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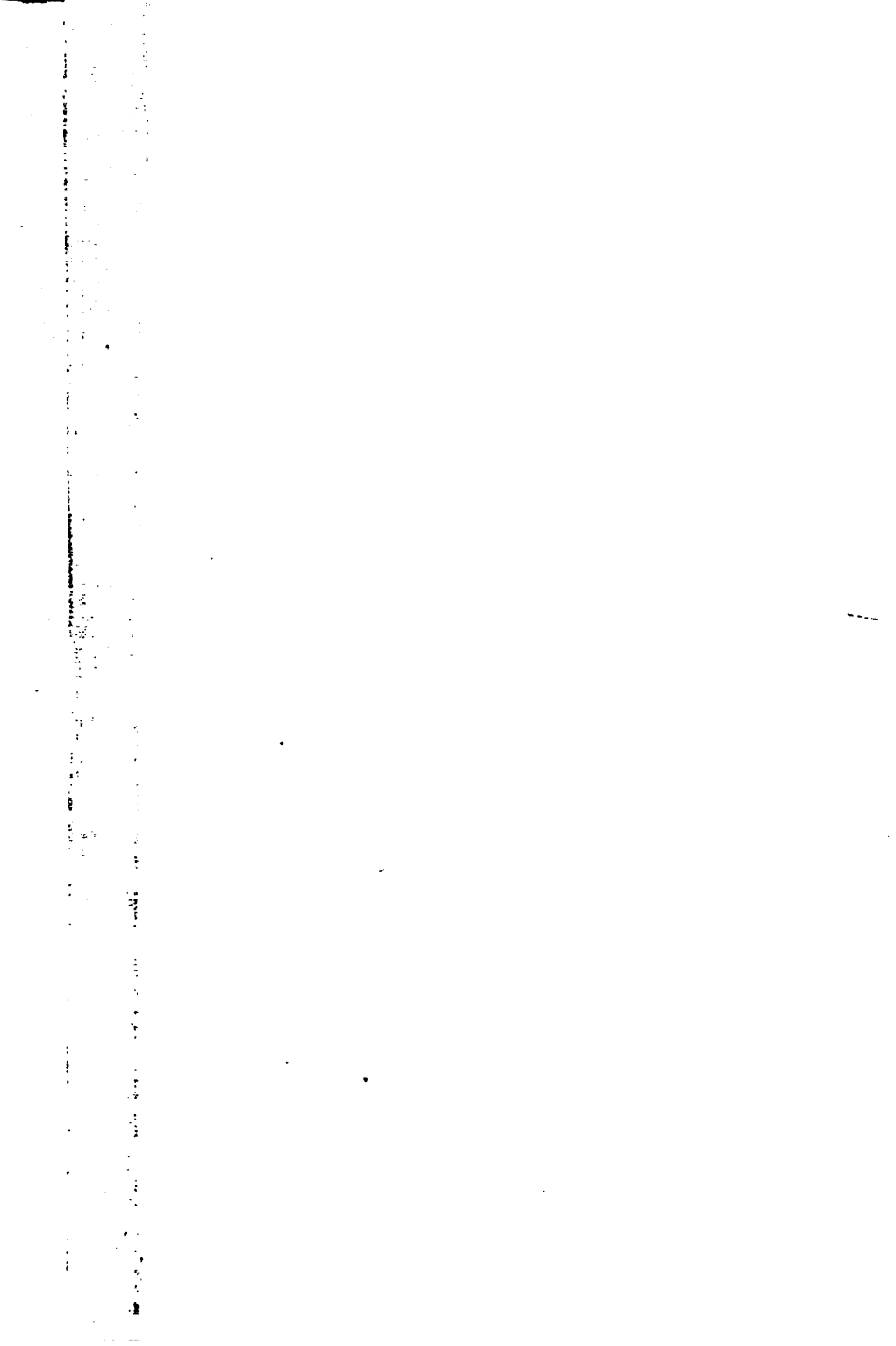
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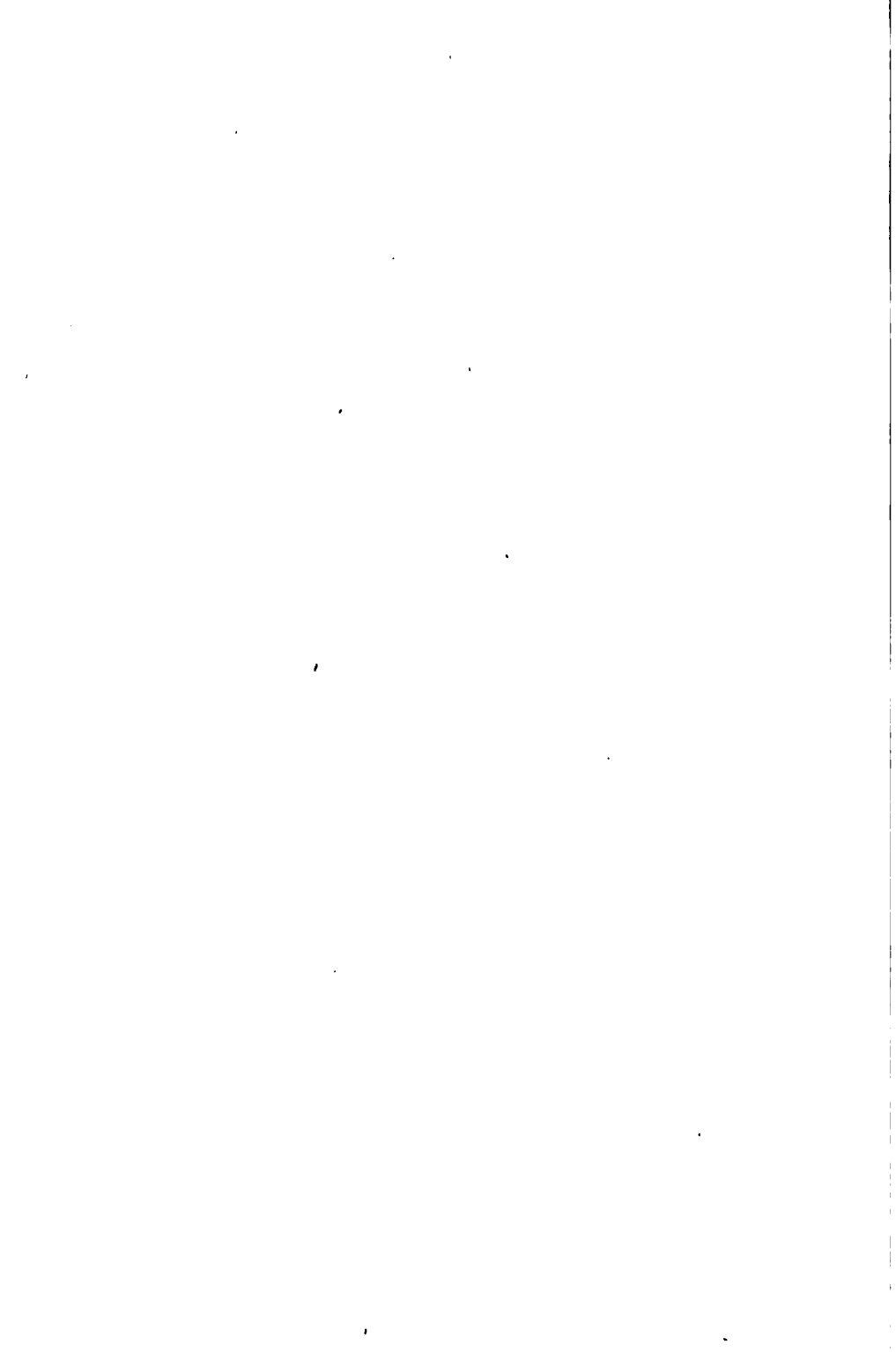
DEMOCRACY AND THE HUMAN EQUATION

ALLEYNE TRENKLE AND

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**DEMOCRACY AND
THE HUMAN EQUATION**

· BY THE SAME AUTHOR

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GENIUS

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DEMOCRACY AND THE HUMAN EQUATION

BY

ALLEYNE IRELAND

FELLOW OF THE ROYAL GEOGRAPHICAL SOCIETY
AUTHOR OF "AN ADVENTURE WITH A GENIUS," "THE FAR
EASTERN TROPICS," "THE PROVINCE OF BURMA," ETC.



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PREFACE

THERE is every indication that the military conflict which ended two years ago is to be followed by one of a different character and of a deeper significance to human society. On one side will be ranged those who wish to preserve the institutions of Representative Government, on the other those who wish to destroy them.

The author is convinced that Representative Government—whether it is applied in a Republic or in a Limited Monarchy—is capable of performing more efficiently than any other system, and with less restraint upon personal liberty, whatever functions any self-governing people may deem proper to Government.

It would be idle to pretend that the position of Representative Government in the United States is not extremely precarious. It is in danger of being overthrown either by the direct attack of the Socialists or by the flank attack of those who, through the Initiative, the Referendum, and the Recall, are engaged in setting up a Direct Democracy. For such a change the way had already been made easy

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by the tacit abandonment of the representative principle in American Government in favor of a principle of delegation.

The considerations presented to the reader in the following pages center around this point. They are confined to a brief examination of three factors in political determinism, which dominate all others, which are closely related to each other, and which, until quite recently, have received little attention.

(1) Since popular Government can reflect only those qualities which belong to the men and women who take part in it, it is necessary to reach a clear understanding of the influences which make men and women what they are. This raises the issue of the comparative importance of heredity and environment in determining human qualities. Until this issue is definitely settled we can have no sound basis for an educational policy, for an immigration policy, or for a reasoned attitude towards the science of Eugenics.

(2) The representative principle in Government rests upon the recognition of the great inequalities which exist between one human being and another in mental and in moral traits. Its distinguishing feature is that, if faithfully applied, it will place the direction of public affairs in the hands of citizens very much above the average in intelligence, in knowledge, and in integrity. When the principle of dele-

gation is applied to political agency the effect is to throw the control of Government into the hands of the mediocre and inferior classes in the electorate, to degrade the tone of public life, and to give always an inefficient and generally a corrupt administration.

(3) The enormous increase which has occurred within the past twenty-five years in the number and in the complexity of the tasks assumed by Government makes it imperative that the operation of purely political agency should be circumscribed, that the functions of policy and administration in Government should be completely separated, and that an empirical science of administrative technique should be formulated and taught to all public servants.

The title of this volume indicates the essential character of the problem of popular Government. Government is created by human beings; it is administered by human beings; it is administered to human beings; it is dominated in every phase by the human equation, and the formal elements in Government can only be appraised usefully with reference to this circumstance.

The service which history can render to the student of Government will always retain its value, but it must be supplemented by service from another source. What is now needed is that the special

knowledge of the biologist, of the psychologist, of the sociologist, and of the political scientist should be coördinated in an exhaustive enquiry into the form and function of Government. The value of such an enquiry would be inestimable. It would remove from the field of conjecture many important questions which are now the subject of heated controversy, it would furnish the world's intelligence with material upon which a clear judgment could be reached about every problem with which Government is concerned, it would lay the foundation of a science of public administration, it would pave the way for making education in citizenship part of the curriculum of every school and college.

Many people would be averse to having such an enquiry undertaken. Among them would be those who have a vested interest in the present inefficiency and corruption of Government, those who fear Truth, and those who are fugitives from Knowledge. But for an enterprise of this character powerful support should be forthcoming from those whose dominating quality is neither acquisitiveness nor the love of self-deception. The War has done much to clarify the atmosphere of political speculation; it has made distinct many issues which were formerly elusive; it has crystallized a great body of vague discontent with Government into a firm resolve that

present systems of Government must speedily justify their existence or must give way to others. At no time has the opportunity been as favorable as it now is to secure a frank and searching investigation of Government as the agency of social control.

The writer wishes to record his indebtedness to the authors of the following books:

"Is America Worth Saving?" and "True and False Democracy," by Nicholas Murray Butler, President of Columbia University.

"American Government and Politics," by Charles A. Beard, Associate Professor of Politics in Columbia University.

"Human Nature in Politics" and "The Great Society," by Graham Wallas.

"Public Opinion and Popular Government," by A. Lawrence Lowell, President of Harvard University.

"Progressive Democracy," by Herbert Croly.

"Democracy at the Crossways," by F. J. C. Hearnshaw.

"A Preface to Politics," by Walter Lippman.

"Mental and Moral Heredity in Royalty," by Frederick Adams Woods, Lecturer in the Biological Department of the Massachusetts Institute of Technology.

"Applied Eugenics," by Paul Popenoe, Editor of

the *Journal of Heredity*, and Roswell Hill Johnson, Professor in the University of Pittsburgh.

"The Nemesis of Mediocrity," by Ralph Adams Cram.

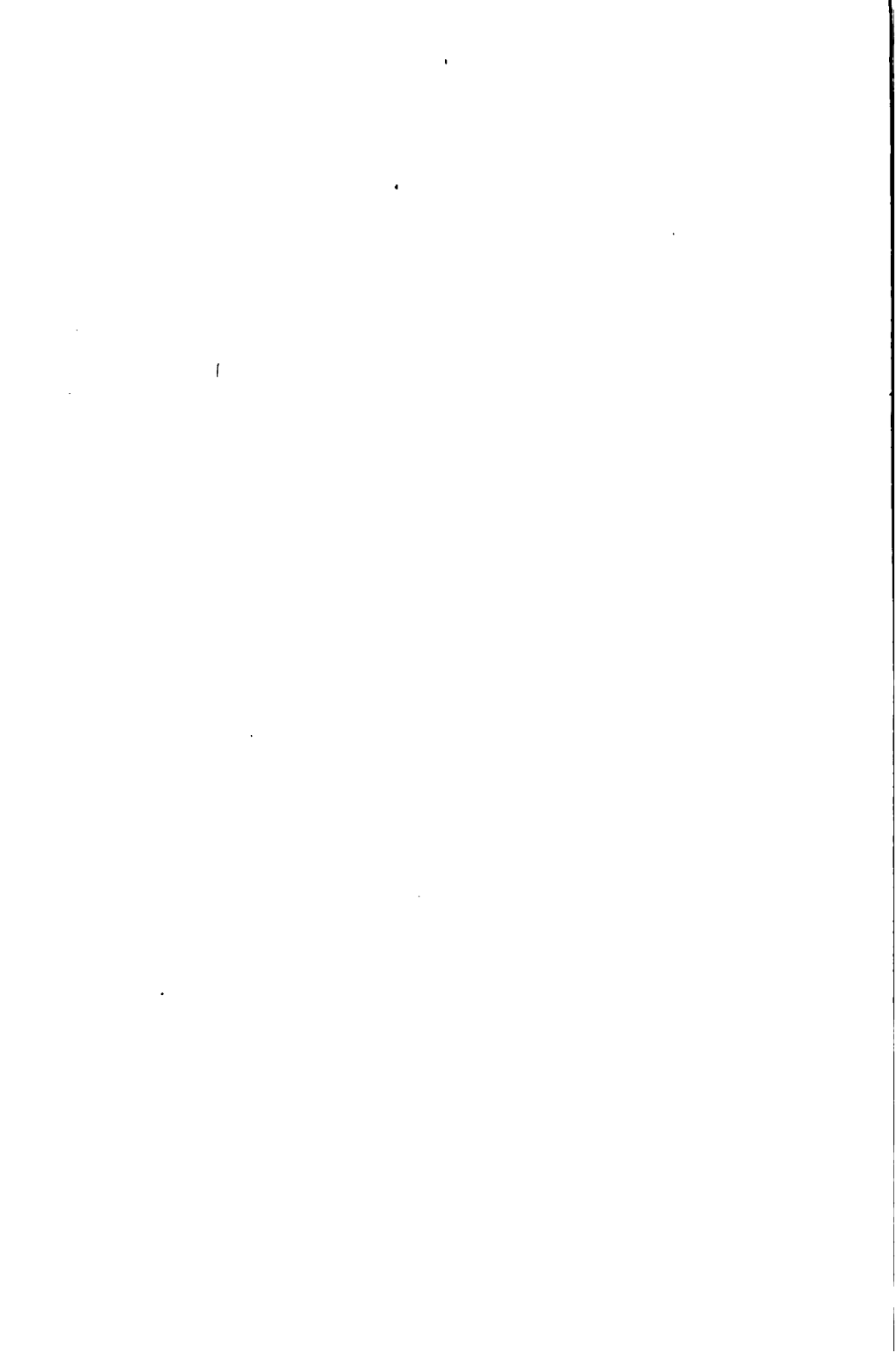
"Back to the Republic," by Harry F. Atwood.

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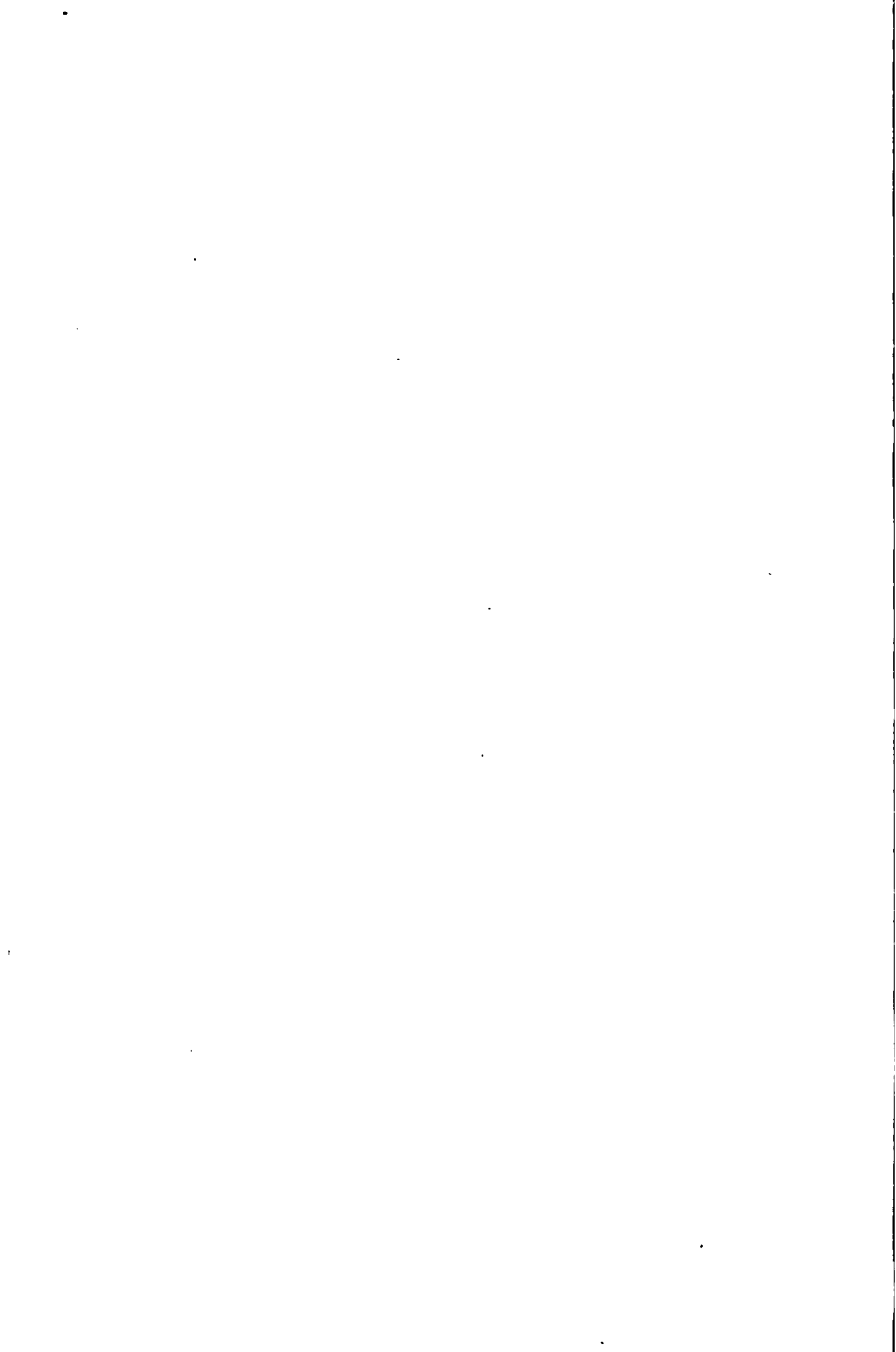
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**DEMOCRACY AND
THE HUMAN EQUATION**



DEMOCRACY AND THE HUMAN EQUATION

INTRODUCTION

IT will serve the convenience of the reader if I present here a brief summary of the matters discussed in this volume.

The United States commenced its career as an independent nation under conditions which appeared to guarantee to it an unprecedented success in solving all the political and social problems which to the nations of the old world had proved insoluble.

It had a small but vigorous and self-reliant population; it had safely weathered the dangers which had almost destroyed but had never daunted the early settlers; it had become used to orderly Government under a system which, if it lacked something of that freedom which is the most prized possession of young communities, had afforded that stability without which young communities cannot learn to accept those restraints upon which the tenure of freedom depends.

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The revolt against the mother-country was less an expression of anger, produced by specific grievances, than it was a flowering amid new surroundings of that spirit which, nearly a hundred years before, had emboldened the English people to drive into exile a king who claimed to derive his authority from God, and to set upon the throne a king who was content to derive it from an Act of Parliament.

In the framing of its national Government the United States had been more fortunate than any nation of which history carries the record. The Philadelphia Convention included not only men great in their own time and in their own country, but also men who will be esteemed great for all time and in every country. The fame of an assembly which numbered among its members George Washington, Benjamin Franklin and Alexander Hamilton can only be extended and enhanced by every comparison in which it forms a term. The Constitution, which was the final outcome of the Convention's labors, is, by the common consent of the world's intelligence, one of the most remarkable political documents which the genius of man has bequeathed to the ages. That its terms are vague, measured by the requirements of legal interpretation, is a fault which time and circumstance have imparted to it; and this fault, grave as are the

consequences which have flowed from it, does not detract from the nobility of its conception, or obscure the sagacity of that form of Government which it formulated for the emulation of mankind and which it prescribed for the use of the American people.

To that people was presented the greatest opportunity with which any people have ever been blessed. It is, perhaps, the only occasion in the history of civilized man of which it can be said that the road of self-determination was actually open—the obstacles removed, the wayside ambushes dispersed. The advantages at the disposal of the American people when they became a nation included every advantage which any people had ever enjoyed; and from the disadvantages under which other peoples had labored the American people were happily free.

There was an immense territory, immeasurably rich in soil, in minerals, in metal ores, in forests; there was an extended and well-harbored coast line; there were magnificent rivers giving ready access to the interior, and the interior was a vast plain presenting no barriers to the pioneer; there was a climate ranging between a sub-arctic rigor and a sub-tropical clemency; there was a homogeneous population of northern stock, and this population was endowed with a heritage of physical vigor and

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of moral and intellectual worth, and with a tradition of high-spirited self-reliance.

The conditions which exist in the country to-day are a strange product of such an ancestry.

Who could have foreseen that in less than a century and a half the United States would be confronted with almost every problem which Americans have so persistently regarded as the odious monopoly of despotic rule, of populations sunk in ignorance and condemned to misery by a poor soil, a primitive agriculture and a still more primitive industry, and by the slavery of social caste? Who could have foreseen that in a land upon which nature has lavished its most precious gifts, in a land consecrated to the ideals of freedom and justice, in a land where every child can claim a free schooling and every man a share in Government, a point would be reached, as it has now been reached, where every symptom is to be observed which experience identifies with the approach of a serious national crisis, and where the stability of the national institutions is threatened by every form of discontent which threatens the national institutions of Europe?

To what causes should this state of affairs be attributed? To many causes, of course. Of these I discuss only those which seem to me to be of primary importance, and of which the operation is

such that if all the other causes for our immediate situation were removed, and these primary causes were allowed to remain, the day of reckoning would only be postponed.

These causes are, in my opinion, the following:

- (1) That the principle of Representative Republicanism, which is the "heart of the Constitution," has disappeared almost entirely from the political system of the country, and that we are rapidly drifting into that system of direct Democracy which is its very negation.
- (2) That the American people as a whole—judging by the discussion of Government in the daily press, in the weekly, monthly and quarterly periodicals, from the platform and from the pulpit—have been led to adopt a rhapsodical posture towards their Government, and have thus lost all sense as well of the proper functions of Government as of the proper administration of Government.
- (3) That there has never been undertaken, either in the United States or in any other country, a comprehensive, scientific study of *comparative* Government; and that in consequence there is no science of Government; and that all that can be said of it is what a certain

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Oxford don is reported to have said of logic—that it is neither a science nor an art, but only a dodge.

THE DISAPPEARANCE OF REPRESENTATIVE GOVERNMENT

The theory on which the principle of Representative Government rests is very simple. All the people in a modern State cannot assemble together, formulate a public policy and put it into effect; they must, therefore, assign these tasks to a few of their number, specially chosen for that purpose. These men are the people's *representatives*. Now, except in regard to very simple questions—and there are, in fact, no very simple questions in modern Government—and in regard to questions which have been made to appear simple by party emotionalism, questions such as the tariff is to Republican emotions, and as State Rights used to be to Democratic emotions—the representative is to use *his own judgment*, after acquainting himself, as well as he is able, with the germane facts, and after hearing arguments advanced in legislative debate by men who agree with his interpretation of them and by men who differ from it. *A representative does not go to a legislature to represent the opinions of those who elect him; he goes there to represent them in the business of forming opinions.*

If his opinions turn out not to be the kind of opinions the voters like, their remedy is to vote for some one else at the next election. It is precisely to meet this situation that the Constitution of the United States provides for congressional elections every two years, and that the State Constitutions all contain provisions for elections at short intervals. This system has such enormous advantages over every other political system ever devised that, *if it is faithfully carried out*, you can get out of it all the good that there is in Government. You can get from it all the advantages of Democracy (Government by the people), and all the advantages of Aristocracy (Government by the best of the people), and at the same time escape every disadvantage which is inherent in or may be grafted onto either of them.

But, admirable as this system is, it has one drawback, namely, that that element in it upon which its successful operation absolutely depends—the complete independence of the representative—is extremely difficult to preserve, not only in its full integrity, but even in any such measure as gives it reality.

It is evident that if you elect a man to Congress and then get five thousand people to send him telegrams telling him how to vote; if you send a paid lobbyist to him who threatens him with defeat at

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the next election if he does not vote for a bill agreeable to the interests of the lobbyist's clients; if you send a deputation to his office, with band playing and banners flying, to demand that in some matter he is to be guided by the deputation's *will* and not by his own *conviction*—if you do these things, your man is no longer a *representative*—he is a *delegate*.

Now, a delegate is a man who must vote, not as his judgment counsels him, but according to the instructions of those who employ him; and in whatever degree a man yields to the idea of delegation, he loses, in an equal degree, his character as a representative. / The progress of converting nominal representatives into actual delegates has the effect of destroying the whole significance of Representative Government. /

These arguments apply in every respect, and with what should be irresistible force, to the devices known as the Initiative, the Referendum and the Recall. It is not difficult to make a good brief in support of the I. R. R.; but no brief is worth the paper it is written on which attempts to prove that where the Initiative, the Referendum and the Recall are, there the people are living under that form of Representative Republicanism which is guaranteed to them by the Constitution of the United States.

‡ Of all the evil consequences which are inseparable

from the weakening of the representative principle in Government and from the strengthening of the principle of delegation, the most disastrous, the most widespread, the most insidious is the lowering of the tone of Government. One is often asked why it is that so little of the best ability of the country, so little of its best character, finds its way into the political life of the United States. A moment's reflection supplies the answer. It is because few men of high abilities, few men of high character, will put their abilities and their character in mortgage to their inferiors. /To *represent* the people is an ambition which could claim the service of the ablest and most upright men in the country; to be the people's *tool*, to take part in public life only as the obedient servant of every whim and passion by which the popular will is swayed, is an ambition which can appeal to few men who are not circumscribed by their intellectual and moral defects. /

THE RHAPSODICAL ELEMENT IN GOVERNMENT

I apply the word "rhapsodical" to a number of very common reactions toward Government and toward matters closely related to it.

It is rhapsodical, in my view, to describe Government in terms of its own description of itself, instead of in terms of what it is.

It is rhapsodical to deduce the effects of Govern-

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ment from an examination of its structure, and to reject in regard to its structure every principle induced from an examination of its actual effects.

It is rhapsodical to accept the facts of material progress as evidence of moral and intellectual progress.

It is rhapsodical to believe that Government can dispense a statutory substitute for human character, and a statutory equalization of ability.

It is rhapsodical to believe that any formal element in Government can dominate the elements which depend upon the human equation.

It is rhapsodical to believe that you can get a sound educational system out of badly-paid teachers.

It is rhapsodical to believe that you can get an efficient administration of public business by paying the higher ranks of the Government service salaries which private business pays only to its lower ranks.

It is rhapsodical to believe that you can give a survival value to mediocrity and have survivors who are not mediocre.

It is rhapsodical to believe that you can enjoy at the same time all the advantages of order and of liberty, of private control and of Government regulation, of high wages and of cheap commodities, of competition and of combination, of distributed authority and of concentrated responsibility. In a word—to draw upon a vernacular which has done

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much to serve the cause of clear thinking—it is rhapsodical to believe that “you can have it both ways at once.”

There is not one of these rhapsodical habits and beliefs which has not exerted a powerful influence upon political thought and upon political action in the United States. If no one is rhapsodical in all these matters, few people could plead “not guilty” on every count.

The intrusion of so much rhapsody into the very prosaic and very technical business of conducting a modern Government has given to American legislation, to American administration, and to American education, a quality of unreality which has seriously impaired their ability to deal effectively with the very real problems with which the nation is now confronted.

If the American people do not soon apply to their public affairs a good deal of that clear-headedness, ingenuity, and humor for which, in the conduct of their private affairs, they enjoy such a high and well-merited reputation, conditions will go beyond the point where these qualities will suffice to provide a remedy for them.

GOVERNMENT AS AN “UN-SCIENCE”

The present state of Government throughout the greater part of the world affords a spectacle from

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which reason recoils. In this domain of human activity we have at our disposal the record of nearly three thousand years of experimentation, and of this record at least three hundred years is covered in great detail. Nearly twenty-four centuries have elapsed since Plato and Aristotle discussed at immense length, and with a vision and acumen which to this day command the admiration and respect of all serious students, the problems which society presents to politics. Before either of these philosophers was born, Aristophanes—the Bernard Shaw of his day—convulsed Athenian audiences with his satires on local politics.

It is surely one of the most remarkable phenomena in the history of the human race that the science of Government—which for more than twenty centuries has engaged the attention of the most profound and capacious minds, which has enlisted the sympathetic interest of the noblest characters in all ages, which has for its material an experimental record so vast that the material of all other sciences is insignificant by comparison—should have yielded results so unsatisfactory that there is scarcely a Government in the world to-day which is not threatened with radical change of form and of method, if not with actual destruction, at the hands of an exasperated populace.

And yet, strange to say, no series of facts reveal-

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ing any phase of the social activities of man points to an explanation more simple than that which emerges from a study of our activities in Government.

If we compare the methods followed in the study of chemistry, of engineering, of surgery—fields in which the most stupendous advances have been made during the past half-century—with the methods employed in the study of Government, we soon discover the reason why the science of chemistry, for instance, has advanced while the science of Government has stood still, or even retrograded.

The student of chemistry records with the utmost minuteness and accuracy the exact conditions of his experiment. When he proceeds to describe his results, he has before him the precise nature of the material he employed, the precise character of his reagents, the precise consequences which followed the application of the latter to the former. The conclusions he announces are based solely upon his actual observations, without reference to whether they will be popular or unpopular, or to whether they run counter to long-accepted theories laid down by some distinguished predecessor.

Most "students" of Government follow an entirely different plan. They begin by assuming to be true some things which are insusceptible of proof, some things which have never been proved, and some

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things which have been disproved. They then proceed to discard from whatever real facts they have before them all those which are inconsistent with their *a priori* assumptions. Finally they reach such conclusions as might be expected from such "investigations" when they are conducted by men who know that if their conclusions offend popular feeling they will certainly incur the censure of popular opinion, and will probably find their ability to earn a livelihood injuriously affected.

The significance of this contrast between the methods employed in studying chemistry and those employed in studying Government is not disposed of, as many people believe it to be by asserting that the reactions of the inanimate substances which form the principal material of the chemist's investigations are amenable to a logic different from that which applies to the reactions of human beings; there is a difference of degree, but not of kind. It is idle and pernicious to pretend that because human reactions in the field of politics cannot be measured with the accuracy which the microscope, the thermometer and the balance insure to a chemical investigation, they cannot be measured with an accuracy quite adequate to the purpose for which the measurement is undertaken.

There is ample material to disclose the causes of revolutions, and the symptoms of their approach;

the effectiveness or ineffectiveness of the criminal law; the comparative merits of different legislative, judicial and administrative systems; the difference in cost between one method and another of carrying out any public enterprise; the various forms of pressure which various forms of taxation exert upon a nation's trade and industry; the results, measured in terms of social utility, of different kinds of education; the effects of stimulating agriculture at the expense of manufacture, or manufacture at the expense of agriculture.

How can it be seriously maintained that a conscientious examination, on a scientific method, of all the material which could be assembled, even upon the few subjects referred to above, could yield no results which could be taken as "proved," and which could be used as the working hypotheses of a science of Government?

Here and there some devoted student has made a careful and exhaustive investigation of some phase of Government; but nearly all of this investigation has been historical rather than scientific, in the sense that it has been descriptive, qualitative, and positive, instead of analytical, quantitative, and comparative.

One reason why we have so little scientific material available about Government is that all scientific investigation is extremely exacting, and very costly,

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and that most of the writing on Government has been done by overworked and underpaid university professors who have, in a spirit which cannot be too highly praised, employed their scant leisure and their slender means for a purpose for which, if there were among the "benefacturing" class a more frequent association of sincerity, intelligence and money, they would be given ample time and generous recompense.

As things now are, we afford the peculiar spectacle of a people who apply twentieth century methods to twentieth century problems in engineering, in chemistry, in medicine, in surgery, in industry, in agriculture, and who, in Government, approach the problems of the twentieth century with the theories and the implements of the eighteenth century. The plain fact is that our present political practice is no nearer the time to which it is applied than would be the medical practice of a physician who, in this year of grace, should prescribe the King's Touch for scrofula.

The actual situation, which should be held firmly in the mind of every patriotic and thoughtful citizen, is that the only people in the United States to-day who are satisfied with the condition of Government are those who, from its qualities of irresponsibility, amateurism and defective technique, derive their

ability to gratify their acquisitive instincts at the expense of a supine public.

The essential feature of the present unrest is that the public is at last arousing itself from the political listlessness which is at the root of the defects and abuses in Government which have now assumed the proportions of an intolerable burden. This unrest is in itself an encouraging sign; but if its issue is to be constructive reform and not destructive revolution, there will have to be a very frank examination of its causes, a very resolute acceptance of the results, and a very sincere attempt to make them the axioms of a new practice of Government.

Just so long as people hold the extravagant views they now hold about what Government *ought* to do for them, and about what it *can* do for them, and the absurd views they now hold about *how* these things should be done, just so long will most people labor under a sense of injustice and injury, for they are expecting to get from a Government what they could only get from a miracle, and what they could not get from a miracle if they insisted that it should be a statutory miracle.

The remedy for this state of affairs lies in education. Now that the elective franchise has been extended so as to include practically the whole popula-

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tion of adult citizens the time is ripe to begin a qualitative limitation of the right to vote. If education in citizenship were undertaken seriously in all schools and colleges, with due regard to the vital as well as to the formal elements in Government, an educational qualification could be required of the voter.

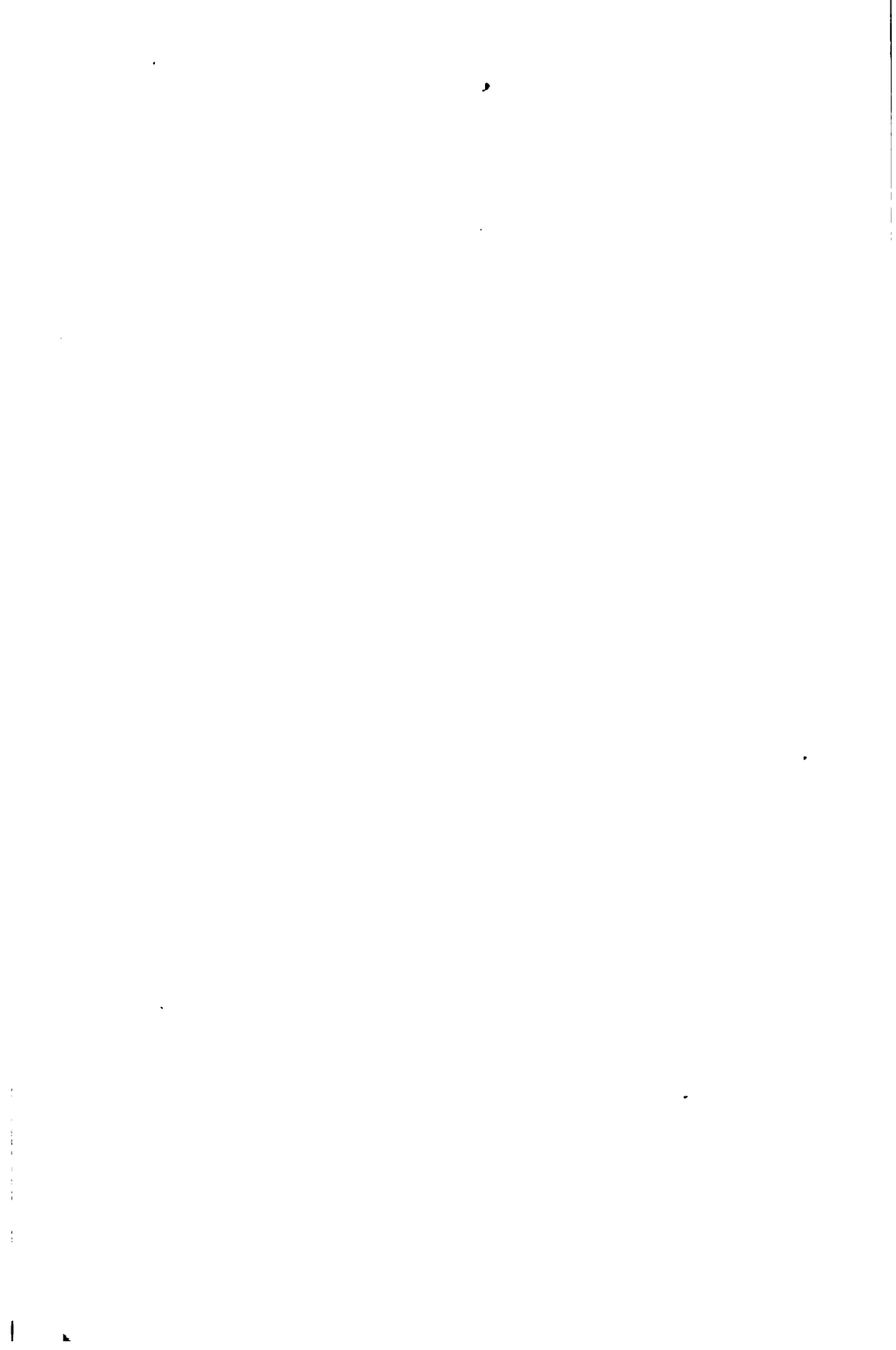
The adoption of such a plan would not only elevate the conception of citizenship and improve the quality of the electorate, it would also greatly strengthen the position of those who realize the urgent need of rescuing the school system from its present deplorable condition.

The general effect on Government of substituting a qualitative for a purely quantitative scheme of political agency would be highly beneficial. It is too much to expect that there can ever be any wide recognition of Government as an applied science of politics so long as any person, however stupid or ignorant he may be, is recognized as being fit to share in the determination of public policy and in the administration of public affairs.

In Chapters IV and V the reader will find a brief discussion of the influence exerted respectively by heredity and by environment in the determination of mental and moral traits. The arguments are not susceptible to further condensation. The conclusion to be drawn from them is that the influence of

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heredity greatly outweighs that of environment. The importance of this conclusion cannot be overestimated. If further research should establish this hypothesis as a natural Law it would be necessary to make a number of radical adjustments in our conceptions of political agency, of education, of legal and of social responsibility.



CHAPTER I

WHO is satisfied—I will not say well satisfied, but satisfied at all—with the present state of Government?

Are the agricultural interests satisfied with it? Are the industrial interests? Is skilled labor satisfied with it? Is capital? Are those whose social contribution is intelligence satisfied with it? Are those whose contribution is muscle? Is the individual considered as a producer satisfied with it? Is the individual considered as a consumer? Are those who bear the burden of an oppressive taxation satisfied with it? Are those upon whom the proceeds of this taxation are lavished?

It is not too much to say that the only people in the self-governing portions of the world who are to-day satisfied with the state of Government are those who from the incompetence or from the corruption of government secure the opportunity to amass power and wealth at the expense of the general welfare, and those who regard these qualities in it as the most effective arguments in favor of revolution.

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It is surely one of the most remarkable phenomena in the history of the human race that a science which for more than twenty centuries has engaged the attention of the most profound and capacious minds, which has enlisted the sympathetic interest of the noblest characters, which has for its material an experimental record so vast that the material of all other sciences is insignificant by comparison, should have yielded results so unsatisfactory that there is scarcely a Government in the world which is not at this moment threatened with radical change of form and method, if not with actual destruction, at the hands of an exacerbated populace.

That our present state should be what it is after nineteen centuries of Christian teaching, after a hundred years of industrial development, after several generations of popular education, must afford to all intelligent and informed minds food for the most disturbing reflection, and cause for the gravest alarm.

The most significant element in the situation is not that which derives its interest from the portrayal of the confusion into which Government has fallen, of the exasperation which pervades the mental attitude of all classes, of the physical distress which is, as it always has been, the real foundation of popular discontent. What endows the position with its most serious perils is that what we observe around us

to-day is the net product of all the extravagant promises of human betterment trumpeted to the world for more than a century by the hierarchs of religion, of politics, of education, of industrialism and of philanthropy.

Religion was to make people good, education was to make them wise, politics was to make them free, industrialism was to make them rich, and philanthropy was to take care of the exceptions which prove the rule. Now, everybody knows that the majority of people are neither good, nor wise, nor free, nor rich; but what is much less generally known is that, if these adjectives are employed with a strict regard for their true meaning, the majority of people are neither better, wiser, freer, nor richer than their ancestors were two thousand years ago.

Are they better in the sense that they are less under the dominion of greed, lust, envy and malice? Are they wiser in the sense that the progress of knowledge has made them more amenable to the appeal of reason, and less to the appeal of the emotions? Are they freer in the sense that the pressure exerted upon them by the elusive forces of modern industrial and social conditions is less galling to them than was that of the more tangible slavery of ancient times to their forbears. Are they richer in the sense that with a thousand conveniences at their service which formerly the wealth of a

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Cæsus could not command, they have narrowed the gulf which separates desire from attainment, or in the sense that their tenure of decent existence from day to day is endowed with that security which is the most important factor in happiness?

In some respects, indeed, man is now more fortunate than he has been in any other age. For the extremity of his physical suffering the chemist has provided anodynes; for the satisfaction of his mind the printing-press has opened the boundless field of letters; for his entertainment the ingenuity of inventors has placed at his disposal every sound which charms the ear, and every sight which charms the eye; to his comfort and luxury the remotest regions of the globe despatch their contribution; his days have been lengthened by the physician and by the surgeon; the obstacles which, for countless centuries, time and space interposed between man and man have been swept aside by the engineer; and the air, the sea and the land have become the highways of an ever-broadening human intercourse.

That these advantages are widespread over the world, that they are enjoyed by the rich and by the poor, some of them, even, by the destitute, has led to the popular acceptance of an utterly erroneous belief that the nature of man has, in modern times, experienced a general and rapid elevation, that alike in character and ability his progress has been such

as to discredit all argument based upon human history, and to justify a serene confidence in an imminent millennium.

If any one cause, more than another, has contributed to the present appalling condition of the world, if there is one which has done more than any other to withhold from the use of mankind that nourishing harvest which observation fertilizes in the soil of experience, it is that blind optimism which discounts every disagreeable fact, as having no more than a casual and transitory significance, and accepts every agreeable fact as the expression of an irresistible force for good.

The arguments of the optimists have been advanced with warmth, with ingenuity, with persistence; and as their general quality is such that they reassure the ignorant, console the mediocre, flatter the vain and bewilder the stupid, they have rallied to their standard a vast army of genial adherents. So great is the proportion of humanity which has fallen under their spell that the almost imperceptible minority which prefers any truth, however painful, to any falsehood, however gratifying, is branded as materialistic, cynical, and reactionary.

The fact is that so far as human beings are thinkers they fall into two distinct groups—the rhapsodists and the realists. The former turn their eager faces toward the future, and encourage their

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hopes to paint upon the unwoven canvas of tomorrow the rich landscape of their desire; the latter scrutinize the unalterable engraving of yesterday, in the confident assurance that upon that chart alone can a true course be laid for human advancement.

It is from the standpoint of the realist that the present volume is written; and the opinions it advances are not, therefore, based upon what we hope Government may become during the next two thousand years, but upon what it has been during the past two thousand, and upon what it is now. If it is charged that such a treatment is fundamentally unsound, because it lacks idealism, my reply must be that the unsoundness of most of the literature of Government is due chiefly to the vicious habit of mistaking fact for idea, and idea for fact; that facts *are* facts; and that the only useful function which idealism can perform in relation to them is to accept them for what they are, and from that point endeavor to make future facts more agreeable to our conception of what they ought to be.

In the ship of state the place for idealism is not in the sails from which the vessel secures its movement, but at the helm which guides it towards its destination.

Since "The Ship of State" is an accepted figure for Government, the analogy may be extended.

The captain of a ship must always keep in mind the port for which he is sailing; but the mate must always trim his yards and reef or loose his sails with reference to the actual conditions of the weather. If the captain should leave port with no particular destination in view, if he should insist upon sailing toward any point for which the wind was favorable from day to day, he could always make a sailing record, but he could never reach a harbor, except by some unexpected stroke of luck, and if he did reach a harbor he might find that his cargo was wholly unsuited to the needs of the country.

If the mate, in face of a rapidly falling barometer and a ragged wall of livid cloud to windward, should keep full sail on his ship, because the sea was now calm and had been calm last week, and because he hoped it would be calm next week, the ship would soon be drifting about, a dismasted hulk.

Let us make another supposition. Before the ship leaves port the captain calls all hands aft and addresses them thus: "We are assembled aboard this ship in pursuit of the common purpose which is defined in our charter. As our united effort is to be devoted to the accomplishment of the task which we have voluntarily assumed, it is impossible for me to believe that any one of us can harbor a thought inimical to the achievement of our aim.

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Our united success will gratify the feelings and advance the true interest of each of us; and the consequences of failure would fall heavily upon one as upon another. It is clear, then, that if I should fail to give each of you an equal share in the management of this enterprise I should exhibit a distrust of your honesty of intention or of your ability in action. Such distrust, I need hardly remind you, would create aboard our vessel a condition of discord which could have no other outcome than to betray the hopes which unite us in our undertaking.

"May I not assure you, therefore, that your full, equal, and enthusiastic coöperation in our plan is, in my view, the most important element in the situation. Indeed, I will go so far as to say that I should regard failure, with your coöperation, as a result far more pregnant of promise to humanity than success without it. I must beg you to believe that in saying this I am at once moved by the deepest emotion and sustained by the most profound conviction; and I make this appeal to you with high confidence, because the thought would be unendurable to me that there was not ever present in your minds, as there is ever present in mine, the inspiring belief that history will esteem our actions for the humane qualities with which we endow them, rather than measure them by the base standard of

material achievement. As the poet has so well said:

"Oh, better far, to fail, if pure your heart,
Than reach success by using wisdom's chart."

"The most satisfactory method by which our unity of thought, our comradeship of action, could be established and preserved, by which we could assure to ourselves that close and continuing contact between mind and mind which is the living spirit of all true service, would be to gather together in friendly counsel upon one day in every week, so that each of us in turn might deliver to all the ripe fruit of his meditation; each, of course, as eager to receive as to impart instruction.

"In such an atmosphere—bright with our common hopes, warm with our common feelings, rich with our common thought—there could live no rivalry save that of helpfulness. But, alas, the stern conditions imposed upon us by our profession preclude the employment of this method of direct governance. One of us must be at the wheel, another on the look-out, others may have been requested to go aloft and reef the fore topsail, the cook may be unable to leave, even for a brief space of time, his duties in the galley.

"For these reasons, the force of which is, I am sure, clear to each of us, it has become necessary

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for me to devise another method. This I will now lay before you, for your approval or amendment"—and so on; leading to the adoption of a Ship's Constitution embodying the principles of Representative Republicanism, and separate Constitutions for the starboard and for the port watch, each differing from the others in some important particulars.

Later in the voyage it is decided that the representative system does not interpret with sufficient sensitiveness the changing mood of the ship's company; and the Initiative, the Referendum and the Recall are set up.

The foregoing travesty of sea-life is clearly grotesque and ridiculous in every particular. If, however, we work back from this comedy, and weigh its elements in the scale of our political practice, candor will compel us to admit that burlesque is turned to sober reality, comedy to tragedy, and that, as a matter of plain fact, the arrangements we sanction on board the Ship of State are even more fantastic than those which fancy has ascribed to the Ship of Commerce.

The first point made was that the captain must always keep in mind the port for which he is sailing. In regard to this his charter is absolutely clear; he is to make Callao, or, it may be, Calcutta.

For what port, then, is the Ship of State bound? So far as the United States is concerned, the Ship's

destination is specified, and the objects of the voyage are defined, in the second paragraph of the Declaration of Independence, and in the Preamble to the Constitution. Upon what coast, bounding the vast ocean of life, is this port to be found? Amongst the unnumbered aims of humanity, what are these most cherished objects?

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute a new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

"We, the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

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In the whole course of man's long and arduous pilgrimage the far horizon has never glowed with a promise more fair, more nobly emblazoned, more refreshing to the spirit, more urgent of high endeavor, than that which lies in these austere phrases.

But what if these phrases are taken from their shining emplacement upon the distant hills of hope, and are set upon that turbulent ocean of human conflict which beats around their base?

“All men are created equal.” Where shall we find this equality? In health? In physical strength? In intelligence? In knowledge? In morals? In benevolence? In desire?

What is the fact? It is that the highest measure of equality among human beings is to be found in the lowest types of savages; and that every step which man has made upward from savagery has made more apparent the terrible inequalities between man and man at the hour of birth.

“All men are endowed by their Creator with certain unalienable rights. Among these are Life, Liberty, and the pursuit of Happiness.”

What is an unalienable right? It is one which cannot be taken away or given up. Of the three rights specified above, only one is capable of precise definition—Life. Who will support the preposterous statement that Life is not taken away or given up?

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Is Liberty unalienable? Where is Liberty defined? It is defined only in the human spirit; and its definitions must, therefore, be as numerous as the inhabitants of the globe. But this view is too broad to serve as the basis of discussion. Let us take a narrower view. Is Liberty embodied in the right of free speech? Is it embodied in the right of dissent? Is it embodied in the right to drink alcohol? Is it embodied in the right to work for a livelihood? Is it embodied in the right of majority rule?

We know that people are punished for speaking freely, that they are punished for drinking alcohol, that they are punished for dissent, and that they are prevented by force from working for a livelihood, that they are often ruled by a minority.

Is the right to pursue Happiness unalienable? Where is happiness defined? It is defined in human desire. It assumes innumerable forms, and its essence can best be stated in terms of its opposite. Unhappiness, then, is the failure to attain the objects of desire. It may have been a sense of the infinite complexity of desire which led the framers of the Declaration of Independence to insert in connection with Happiness, almost the only qualifying phrase which dims the magnificent audacity of that great document. Man is not declared to be endowed by the Creator with the right to Happi-

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ness, but only with the right to pursue Happiness.

Is the right to *pursue* Happiness unalienable? May one pursue it along the road of anarchy, of autocracy, of usury, of political corruption. We know these roads are closed, in theory if not in practice.

"Whenever any Form of Government becomes destructive of these ends, it is the right of the people to alter or to abolish it." If I am convinced that the Government of the United States has destroyed Liberty, has taken away the right to live, has denied me the free pursuit of Happiness, may I advocate the overthrow of the Government in its present form, and the establishment in its place of a Government by soviets, or by a monarch? I may not. May a hundred people, a thousand, a million, ten million? They may not.

When we examine the Preamble to the Constitution we immediately detect beneath its appearance of clarity the same quality of vagueness which characterizes the passage I have quoted from the Declaration of Independence.

A more perfect union is to be formed. What is a more perfect union? Is a union more perfect when its forty-eight constituent parts establish laws of widely differing effect upon questions as fundamental as land-tenure, divorce, inheritance, and labor disputes? Is it more perfect when matters of nation-

wide concern—the public health, education, the care of the insane, for instance—are left without any common direction which would serve the common interest? A more perfect union. More perfect than what?

Justice is to be established. What is Justice? Does it lie in the equal administration of the law? It may be withheld by the rules of procedure, and, in criminal cases, it may be thwarted by the abuse of the pardoning power. Does it lie in the equality of economic and social opportunity? What does a theory of equal economic opportunity mean in a practical world of unequal economic units? What does a theory of equal social opportunity mean in a practical world of unequal social units? Is the spirit of Justice explained in the maxim "An eye for an eye, a tooth for a tooth," or in the injunction to "Temper Justice with Mercy," or in the advice to "Be Just before you are Generous"? Is it to be found in the principle of the closed shop, or in that of the open shop? Does Justice mean that each man shall be protected to the full in his enjoyment of those things which his skill, his industry, his prudence have secured for him, or does it mean that the right to have and to enjoy the fruits of skill, of industry, and of prudence shall be conferred by law upon those who are neither skillful, industrious, nor prudent? Does Justice demand that idleness

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shall share in the harvest of toil, that extravagance shall spend the savings of thrift, that incompetence shall be endowed with efficiency's estate?

Domestic tranquillity is to be insured. What is domestic tranquillity? Is it that state which ensues upon the suppression of public disorder by the power of the executive? Is it that state which, in the dereliction of executive power, ensues upon the declaration of a strike, that state in which the national life is paralyzed, and riot spreads over the land? Is the spirit of tranquillity to be diffused by maintaining order at the expense of liberty, or by maintaining liberty at the expense of order?

The common defense is to be provided for. In what does the common defense consist? Does it consist in repelling foreign attack? Does it consist in attacking a foreign power, on the principle of the offensive-defensive? Is the provision for common defense to take the form of universal military training? Is it to take the form of a highly trained, fully equipped and ever-prepared army? Is it to take the form of condemning military science in the days of safety, as being inconsistent with the spirit of Democracy, and, in the day of peril, exalting it as Democracy's savior? Is the common defense to be provided for by making the test of patriotism the refusal to prepare for war, and the

test of heroism the willingness to go to war unprepared?

The general Welfare is to be promoted. Upon what elements does the general Welfare rest? Does it rest upon the immediate and direct elements of civil order, freedom of contract, the protection of life and property, the give and take of unrestricted competition, the restraints of wise and humane legislation? Does it rest upon the less tangible elements of intelligence, knowledge, honesty, nobility, guidance, regulation, and discipline? To whatever extent it depends upon the former elements, to what extent can it be promoted if the latter elements are lacking?

The blessings of Liberty are to be secured. Liberty!

"In no other name do men so readily fight as in the name of liberty. There is in human nature a profound and inexpugnable love of the freedom which men instinctively hold to be natural with that nature, and there is required no more than the threat of restriction for this love to emerge ideally in the sentiment of liberty and the will to sacrifice for it all other goods. . . . But though the sentiment of liberty be thus deep and moving, the understanding of it is rare, and its realization is rarer still. 'Man is born free, and everywhere he is in chains.' " Thus

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writes Professor Hartley Burr Alexander in an essay on "Essential Liberty." In another essay, on "Liberty and Democracy," he says: "No one, I think, can comprehend American history without some feeling for the force with which the symbol of liberty appeals to the American mind; but it would be a rash man who should assert that in America, liberty, in any intelligible and definable form has ever been realized."

Now, I am well aware that to many of my readers the account I have given of the destination of the Ship of State will appear even more fantastic than what I have said about the voyage of the Ship of Commerce.

It will be asked: Has this man no imagination? Can he not see that the passages he has quoted from the Declaration of Independence, and from the Constitution of the United States are expressions of idealism? Can he not understand that this idealism is placed exactly where he himself said it should be placed, at the helm of the Ship of State? By what blindness is he afflicted that it is not plain to him that the port he is so anxious to find on the chart of Government is no other than the attainment of the ideals he has discussed? Why does he not look in the Articles and Amendments of the Constitution for the sailing directions by which the Ship

of State is to be guided in its voyage toward the harbor of attainment?

That is where I now propose to look.

I may preface my search by recalling to the reader's attention that it is the mate of the Ship of Commerce who must keep in contact with the realities of the weather, must note the falling barometer, the threatening clouds. If the captain sets the course, it is the mate who must see that the man at the wheel keeps the ship's head on that course, must so trim his yards that the course can be made, and must maintain the working routine upon which the safe navigation of the ship and the order and comfort of the crew depend.

Aboard the Ship of State the functions of the captain are performed by the Supreme Court, and those of the mate are performed by the complicated machinery set up under the Constitution, and by the officials appointed or elected to keep it in motion. To these officials—executive, judicial, and legislative—is assigned the duty of seeing that the machinery is employed only for purposes which are Constitutional, and is operated only by methods which are Constitutional. The Constitutionality of purpose and of method are determined by the majority opinion of the Supreme Court, which, at the time I write, is composed of nine judges.

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It is upon what is stated in the Articles and Amendments of the Constitution that these judges are to decide, when any specific matter is brought before them, whether any law duly enacted in the United States, whether it be Federal, State, or Municipal, may stand, or must fall, and whether any act done or suffered by any citizen of the United States, or by any other person therein residing, is done or suffered in violation of the Constitutional rights of the parties.

For our present purpose it is not necessary to enter upon a minute examination of the Constitution. It will suffice if some of its general characteristics are considered, and one or two specific points discussed.

The first general characteristic of the Constitution which impresses itself upon the notice of the observer is the immense amount of interpretation which has been needed to clarify its meaning. Dr. Hannis Taylor, in his monumental work on "The Origin and Growth of the American Constitution," quotes no less than thirty-one cases in which the meaning of the Preamble has been the subject of legal dispute. To the lay mind no part of the Constitution appears to be more explicit or more clearly phrased than the first paragraph of Section X of Article I, which reads: "No State shall enter into any Treaty, Alliance, or Confederation; grant Let-

ters of Marque and Reprisal; coin Money, emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility"; but Dr. Taylor quotes more than two hundred and fifty cases in which the meaning of this single paragraph has been the subject of legal dispute.

The Constitution of the United States, from the first word of the Preamble to the last word of the Eighteenth Amendment, could be printed in clear type within the compass of twenty pages of this volume; it would require more than twenty thousand pages of the same size to take the record of the decisions of the United States Supreme Court, in which the meaning of the Constitution is construed.

Another striking characteristic of the Constitution is that the power of the Supreme Court to declare any law unconstitutional carries with it the power to determine the general policy of the nation in matters of the utmost importance and of the most far-reaching consequences.

Those who remember the heated controversy which, twenty years ago, raged around the question of whether the United States could Constitutionally retain sovereignty over the Philippine Islands and Porto Rico without making them either States or

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Territories of the Union, will remember that the issue was decided in the affirmative by a five to four decision of the Supreme Court, in a case having to do with imports from the Islands.

It is clear that if the decision had been in the negative the alternative presented to the nation would have been between giving up the Islands and incorporating them in the political system of the United States. It is well within the range of possibility that, faced with such a choice, public sentiment would have demanded that the Islands be given up. So, this grave question of whether the United States should retain in its purity the doctrine of government of the people, for the people, by the people, or should dilute it with the principle of imperialism, was settled, once for all, by the opinion of one judge, that is to say, by the opinion of one person out of a population of eighty million, and that person not elected by the people, or by any group of them, but appointed by an executive officer of the Government. It would be difficult to find in history—outside the annals of despotism—any instance in which a decision so momentous has been left to the infallibility of the odd man.

No matter dealt with by the Constitution is of more vital concern to the nation than that referred to in the first sixteen words of Section IV of Article IV, which read: "The United States shall

guaranty to every State in this Union a Republican form of Government. . . .”

Nothing stands out with greater clearness from a study of the present condition of Government in the United States than the fact that the States of this Union are *not* governed under a Republican form, but under a Democratic form which is constantly molding itself more closely to the perfect shape of the thoroughly discredited and deliberately discarded Democracy of the ancient Greeks.

The fundamental differences between a Republican and a Democratic form of Government have been obscured chiefly by the general employment, by political writers and orators, of the words “Republican” and “Democratic” in this connection as though they were synonymous.

The United States are still, ostensibly at least, a Republic; but the American people, we have been assured, entered the War to make the world safe for Democracy—not for Republicanism. If this statement really represented the fact of the case the future would hold in store for us a grievous disappointment: the world *can* be made safe for Republicanism; it *cannot* be made safe for Democracy.

There lies, of course, around this point a very inviting field for definitional dialectic. I resist the temptation to enter it, because Government has already been more than sufficiently bedevilled by dia-

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lectics. I will, instead, draw the distinction between Republicanism and Democracy in such terms as will best serve to exhibit the profound and irreconcilable differences which exist between them as systems of Government.

The distinguishing feature of *Republicanism* is that legislators shall be representatives; the distinguishing feature of *Democracy* is that legislators shall be delegates.

A legislative *Representative* is a man whose duty it is to devote his own knowledge, his own abilities, his own judgment to the conduct of public affairs; a *Delegate* is a man sent to the capitol by the majority of the voters to register their will.

In voting for or against a measure, a *Representative* is guided by his own opinion, reached after legislative debate; a *Delegate* is guided by the opinions of other people, reached before legislative debate.

Assuming equal knowledge and intelligence in each, a *Representative* best discharges his duties by being independent; a *Delegate* by being subservient.

Legislation passed by *Representatives* is an expression of judgment; legislation passed by *Delegates* is an expression of will.

The issue really centers around two points—election pledges made in advance in respect of pending measures, and the pressure exerted, after election,

upon the candidate whose promises have secured him a majority at the polls.

Concerning these points Lord Macaulay wrote as follows, in 1832, on the eve of an election in which he was one of the candidates for Leeds:—

“The practice of begging for votes is, as it seems to me, absurd, pernicious, and altogether at variance with the true principles of representative government. To request an honest man to vote according to his conscience is superfluous. To request him to vote against his conscience is an insult. I trust that the great and intelligent body of people who have obtained the elective franchise will see that seats in the House of Commons ought not to be given, like rooms in an almshouse, to urgency of solicitation; and that a man who surrenders his vote to caresses and supplications forgets his duty as much as if he sold it for a bank-note. I hope to see the day when an Englishman will think it as great an affront to be courted and fawned upon in his capacity of elector as in his capacity of jurymen. My conduct is before the electors of Leeds. My opinions shall on all occasions be stated to them with perfect frankness. If they approve that conduct, if they concur in those opinions, they ought, not for my sake, but for their own, to choose me as their member. To be so chosen, I should indeed consider as a high and enviable honor; but I should

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think it no honor to be returned to Parliament by persons who, thinking me destitute of the requisite qualifications, had yet been wrought upon by cajolery and importunity to poll for me in spite of their better judgment.

"I wish to add a few words touching a question which has lately been much canvassed; I mean the question of pledges. In this letter, and in every letter which I have written to my friends at Leeds, I have plainly stated my *Opinions*. But I think it, at this conjuncture, my duty to declare that I will give *No Pledges*. I will not bind myself to make or to support any particular motion. I will state as shortly as I can some of the reasons which have induced me to form this determination. The great beauty of the representative system is, that it unites the advantages of popular control with the advantages arising from a division of labour. Just as a physician understands medicine better than an ordinary man, just as a shoemaker makes shoes better than an ordinary man, so a person whose life is passed in transacting affairs of state becomes a better statesman than an ordinary man.

"In politics, as well as every other department of life, the public ought to have the means of checking those who serve it. If a man finds that he derives no benefit from the prescription of his physician, he calls in another. If his shoes do not fit him he

changes his shoemaker. But when he has called in a physician of whom he hears a good report, and whose general practice he believes to be judicious, it would be absurd in him to tie down that physician to order particular pills and particular draughts. While he continues to be the customer of a shoemaker, it would be absurd in him to sit by and mete every motion of that shoemaker's hand. And in the same manner, it would, I think, be absurd in him to require positive pledges, and to exact daily and hourly obedience, from his representative."

All this will seem very naïve to a generation which accepts rear-platform oratory by political candidates, the unabashed intrigue of paid and registered lobbyists, and the massed attack on legislators by night-letter. Macaulay's words, however, present in the most concise phraseology the principles upon which alone Representative Government can be operated successfully, if it is assumed that its chief concern is the prudent, honest, and efficient administration of public affairs.

The question of whether or not the founders of this nation intended to set up a Republican, as opposed to a Democratic, form of Government, was discussed with force and eloquence in a public address delivered in 1911 by the Hon. Emmet O'Neal, Governor of Alabama. He said, in part:—

" . . . there must be a lawmaking body composed

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either of the people themselves, acting directly in their organic capacity or through chosen representatives. Fully recognizing that fact, the wise men who framed the Constitution of the United States, after mature reflection, thorough investigation, and debate, unanimously discarded the system of direct legislation and established a representative Republic as contradistinguished from a social or pure democracy. The warning lessons of history had taught them that the so-called republics of ancient and modern times, through the absence of the representative principle, had ever been found, as Madison declared, spectacles of turbulence and contention, incompatible with personal security or the rights of property. They agreed with the sentiment voiced by Wilson when he declared that the doctrine of representation in government, which was altogether unknown to the ancients, was essential to every system that can possess the qualities of freedom, wisdom, and energy. They had renounced the divine right of kings, but were unwilling to establish the divine right of majorities. Direct action by the people they deprecated."

Governor O'Neal had in mind, it is true, the threat held over the system of Representative Government by the agitation in favor of the Initiative and the Referendum; but I cannot think that, if they were drafted for service in American politics, they

would do more than give definite form and Constitutional sanction to that system of "direct" legislation which has already been developed in the country through the pressure of organized opinion—and usually of organized minority opinion—upon the independence of legislators.

Finally, as to the Federal Constitution, my readers will not be unaware that a considerable literature has grown up around the difference between Constitutional theory and actual practice in regard to the matters covered by Section I of Article II—the College of Electors, and the inability of the President to discharge his duties; by the First Amendment—freedom of speech and of the press, and the right of peaceable assembly; by the Fourth Amendment—security against search and seizure, except on warrant based upon probable cause and supported by oath; by Section II of the Fourteenth Amendment—the number of representatives in Congress to be apportioned according to the number of persons in each State *actually allowed to vote*; and by the Fifteenth Amendment—the right of citizens to vote is not to be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

I wish to emphasize the fact that in what I have said about the Constitution there is no suggestion that it does not hold up to the whole world the mir-

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ror of noble political ideals. What I have attempted to show is that, regarded as a document in which are embodied the sailing directions of the Ship of State, it lacks perfection in the measure that it lacks clearness; that of two interpretations of its meaning, as opposite as the poles, one or the other may be set up as a rule absolute in regard to national policy by the opinion of a single judge; and that in respect of some matters about which it is most perspicuous its directions are not being followed with scrupulous fidelity.

Let me now take up the view of those who laud the wisdom which guided the framers of the Constitution away from the pitfall of attempting to bind posterity with the chains of an inflexible political formalism. This view is, in effect, that the Constitution lays down the rules governing the grand strategy of political navigation, and that the tactics, as being affected by conditions of time and locality—by the political weather, as it were—are left to the decision of Congress and of the State legislatures.

It is obvious, to pursue our analogy of the ship, that no exercise of strategic genius on the part of the captain will bring the ship to port if the sailing tactics are so poor that the vessel is flung upon a lee shore, stranded in shoal water, or capsized in a squall; that matters of crowding on sail in order

to make speed in a fair wind, of furling sail in order to take speed off the ship in foggy weather, of heaving the ship to in a violent gale, of taking frequent soundings when approaching a sand-encumbered estuary, are vital to a seamanlike handling of the vessel.

On the sea of politics these tasks are committed to legislatures. It is the duty of a legislator, then, to see that the Ship of State is not flung on the lee shore of incompetent and extravagant administration, or stranded on the shoals of party faction, or capsized in the squalls of civic disorder; that laws urgently necessary to meet clear and immediate needs are quickly enacted, that laws concerning which there exists wide diversity of judgment amongst those capable of judging should be passed only after careful and unprejudiced enquiry and anxious deliberation.

I will not insult the reader's intelligence by adducing particular instances to show that the processes of American legislation lack the qualities I have indicated; any attentive reader of the daily press could easily compile a bulky volume made up of nothing but such instances.

It is sufficient to state, what is a matter of common knowledge, that every year hundreds of laws are passed by Congress and by the State legislatures without adequate debate; that much proposed

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legislation is defeated through factious opposition; that legislators vie with one another in their efforts to purchase popularity with the majority of the voters by squandering public money chiefly supplied by the minority; that investigations of the evils which inevitably flow from bad legislation is offered to the people as a substitute for that good legislation which would have averted the evils, and that many of these investigations are notoriously insincere and inefficient.

To conclude my analogy of the ship. Though the Ship of Commerce be staunchly built, well furnished with gear and instruments, amply supplied with good charts and with minute sailing directions, bad seamanship can wreck her; though the Ship of State be constructed after the most approved model, though it be equipped with the most perfect mechanical devices, though its sailing directions include every moral precept, every ethical principle, every practical maxim to be found in the lexicon of good intentions, it can be wrecked by the ignorance, by the folly, or by the corruption of its officers or its crew.

CHAPTER II

FOUR generations have matured on the soil of the United States since the Constitution established the national Government in 1787. What is the state of the Government, what is the state of the nation to-day?

If we examine the field of physical achievement we observe on every side convincing evidences of an extraordinary advance. After the work of the pioneers had exposed to the courage and virility native in the breed homed on the Eastern seaboard the unlimited possibilities lying beyond the Mississippi, after the Civil War had toughened the nation's manhood in the school of military experience and had exalted its womanhood in the school of suffering, after the close of the conflict had released the disciplined energy of a reunited people, the country entered upon a new era. As the years passed, material development proceeded upon a scale of unprecedented magnitude and with a vigor and speed which nothing availed to check. An occasional financial panic, an occasional period of industrial depression, served only to mark the begin-

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ning of a new advance; and the country was swept along, decade by decade, on an irresistible tide of prosperity.

The broad features of the phenomenal growth of the United States during the past fifty years, in every physical category, are too familiar to justify any detailed reference to them. By whatever standard we elect to measure material progress, the United States can furnish figures of which its citizens may well be proud.

When, however, we turn from the striking record of material achievement and concentrate our attention upon the social and political life of the nation, we are confronted with a state of affairs which is well-nigh incredible.

In a country which has never suffered from war-like invasion, which has never had to pay the price of imperial responsibilities, which has never borne the yoke of militarism, which has never faced the problems of overpopulation, which has never lacked the wealth necessary to give fulfillment to its hopes of social betterment; in a country endowed, above all other countries, with everything that Nature can offer to the talent and industry of man, and in which man is endowed, above all other men, with everything that opportunity can offer to talent and industry—in such a country we might hope to find, after nearly a hundred and fifty years of self-de-

termination, political and social conditions immeasurably superior to those which prevail in countries which have enjoyed none of the social immunities and few of the natural advantages with which the American people have been blessed.

What are the actual facts as they face us to-day? Have the people of the United States provided themselves with a judicial system or with a parliamentary system greatly superior to those of England? Or with local governments greatly superior to those of Australia? Or with systems of food production and distribution greatly superior to those of Denmark? Or with an educational system greatly superior to that of Scotland? Or with an industrial technique greatly superior to that of France? Or with an administrative technique greatly superior to that of Canada? Or with a larger measure of social and political freedom than may be found in any of these countries?

If these questions are answered in the negative, they must be supplemented by the further question: What, then, have the American people made of the extraordinary opportunities which have been at their disposal? If they are answered in the affirmative, we must then ask: How is it that these greatly superior achievements in politics, in administration, in jurisprudence, in education, in industry, in liberty, so far from having saved the United States from

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the social and political unrest which threatens the countries of inferior achievement, are associated with a thorough infection of discontent throughout the whole body of the nation? How is it that here, in this fortunate land, there should have developed so much Radicalism, so much Socialism, so much Syndicalism; that here the toll of crime, of misdemeanor, of business immorality, of political corruption, of civic ineptitude should not be noticeably lighter than it is in those countries to which we are so superior in so many fundamental elements?

As Liberty is popularly supposed to be the one thing in which the United States is incontestably preëminent, and as preëminence in this particular is constantly urged in extenuation of admitted defects in other particulars, I will put American Liberty to the test of some comparisons.

What is the position in regard to social liberty?

Is the Englishman, is the Australian, is the Dane, is the Scot, is the Frenchman, is the Canadian less free than the American to worship as he chooses, to marry as he chooses, to work as he chooses, to idle as he chooses, to save as he chooses, to spend as he chooses, to live where he chooses, to travel where he chooses, to eat, drink, and wear what he chooses?

If social liberty depends upon the protection of life and of property, if it depends upon the speedy

and impartial administration of the law, if it depends upon freedom of the press, upon freedom of speech, upon freedom of assembly, upon freedom of contract, upon academic freedom, in what sense is any one of these peoples less free than the American people?

To many people, perhaps to most people, "social liberty" means "social equality"; but if these ideas are critically examined it is seen that they are not only different but also irreconcilable, and that the former refers to something real and realizable, the latter to something unreal and unrealizable. So far as social "Liberty" is in any way affected by Government, it exists wherever there is equal status before the law, and every man is assured the free exercise of his talents and of his industry, and the free enjoyment of their rewards. From such freedom, however, there arises not social equality but social inequality, since talent and industry are unequally distributed.

In regard to social "equality" it is sufficient to remark that it cannot be produced by equalizing incomes, since desires vary; or by equalizing educational opportunity, since abilities vary; or by equalizing social opportunity, since social preferences vary; or by equalizing possessions, since tastes vary. Even if there existed some unhappy land in which ignorance and knowledge, intelligence and stupidity,

sloth and ignorance, culture and vulgarity were equally esteemed, you could not establish social equality there until you had accomplished the impossible task of standardizing desire, ability, taste, and social preference.

When the appeal for social "equality" goes beyond a demand for equality of opportunity it becomes neither more nor less than an appeal for social injustice; and in the mouths of the most vigorous of the appellants that is precisely that the demand means. It is a demand that equality of reward shall go hand in hand with inequality of service; and it is justified by the extremists on the ground that the superior endowment which enables a man to give superior service is itself a basic injustice, inflicted by Nature, which it is the duty of society to remedy by equalizing recompense.

It cannot be supposed that this view is entertained by any large number of people as a thought-out theory; but it is a matter of common observation that superiority of any kind—whether of income, of family, of skill (except in athletics), of power, of possessions, even of dress—excites resentment among the inferior, and that there is an increasing tendency to exploit this resentment not only to the point of carrying out a general leveling process, but toward the ultimate goal of transferring from brains to brawn the dominating influence in social

progress. If there is any sense in which there is more social liberty in the United States than there is elsewhere, it is in the sense that this movement is here less restrained than it is elsewhere, either by the influence of tradition and custom or by that of philosophic conservatism.

It is true that social liberty is a somewhat intangible conception, that it rests largely upon subjective considerations, and is, therefore, impossible to define in exact terms. Political liberty is, in these respects, a more satisfactory subject of discussion. Do the American people enjoy more political liberty than other self-governing peoples?

The only practical test of the amount of political liberty yielded by any form of government is to determine the extent and character of the control exercised over legislation and over high administrative officials by the voting population. Subjected to this test the political system of the United States appears to yield less liberty than any other system in operation under a "popular" constitution. For the purpose of illustration I will compare some features of the American and of the British system.

In England, then, the voice of Parliament is authoritative. Any legislative measure, whatever may be its provisions, duly passed by the Commons and the Lords and signed by the king becomes the law of the land, and remains the law of the land unless

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and until it is amended or repealed by the same agencies. In practice it is the will of the House of Commons—the elected branch of the legislature—which is supreme. This supremacy is challenged only by the power of the sovereign to withhold his assent from legislation; and the latest exercise of this power was made more than two hundred years ago. Until within the past decade the House of Lords had the power to kill measures sent up from the Commons. This power has been taken away; but even while it remained, a resolute ministry, backed by the House of Commons and by popular sentiment, could force a measure through the Lords by threatening the creation of new peers—a threat which has been effective on more than one occasion.

What is the situation in the United States in regard to this phase of legislation? Neither Congress nor a State Legislature possesses the power to translate into effective law the will of the people's representatives. Whatever law an American legislature passes must, if it is to stand the test of an appeal to the Supreme Court of the United States, conform with the principles laid down in the Federal Constitution. Nor is this the only limitation upon the legislative expression of the citizens' wishes. Federal legislation is subject to the Presidential veto; State legislation is subject to the veto of the Governor; and this power of veto is exercised

every year over hundreds of measures which have passed both houses of a legislature.

The power of the Supreme Court to declare legislation to be unconstitutional has the practical consequence of making that Court a legislative as well as a judicial body. It cannot, of course, initiate legislation, but it can and does exert a powerful influence over the initiative function of legislatures, and where this influence does not suffice to keep legislatures within the bounds of the Court's interpretation of the Constitution it can and does destroy the offending measure. The United States Supreme Court, unlike the Judicial Committee of the Privy Council or the Supreme Court of Judicature in England, has before it not only the litigants but also the law itself.

So far, then, as political freedom resides in the untrammelled right to make law of the people's wishes, the American is less free than the Englishman. Indeed the restraining hand which the Constitution holds over American legislation is regarded by many eminent authorities as one of the most beneficent features of the American plan of Government. The point is precisely defined by President Nicholas Murray Butler in his most interesting and suggestive volume, "Is America Worth Saving?"

"Without constitutional limitations," he says, "the

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Congress of the United States would be as sovereign as is the House of Commons, and all those precious immunities that are set out in the Constitution and its amendments, and as to which the individual citizen may appeal to the judiciary for protection, would be placed upon the same plane as a statute authorizing the appointment of an interstate commerce commission or one denouncing a monopoly or other act in restraint of trade. It must not be forgotten that there is no such thing as an unconstitutional law in Great Britain. The fact that the Parliament enacts a law makes it constitutional, no matter what its effect upon life, liberty, or property may be; for Parliament is sovereign. To propose to import this condition into the United States is not progress but reaction."

Those who are in favor of making American legislation more closely representative of the political opinion of the country deplore the existence of those Constitutional restrictions which President Butler praises. They point out that these limitations actually deprive the people of that full sovereignty which is implied in Lincoln's immortal phrase "that Government of the people, by the people, and for the people shall not perish from the earth." They assert that the enforcement of a code of political morals drawn up in the eighteenth century pre-

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vents the American people from securing that progress in self-government which is to be observed among other peoples. "The human will in its collective aspect," says Mr. Herbert Croly, "was made subservient to the mechanism of a legal system."

The evil consequences which flow from these limitations on political freewill are reflected, according to this view, not only in the quality of legislation but also in the quality of legislators. "If a legislative body," asks Professor Franklin H. Giddings, in a recent article, "whether Federal Congress or State Legislature, can be overridden by higher authority, can it in the nature of things psychological feel a profound sense of responsibility; and if it does not feel responsibility can it in the long run attract men of the largest caliber and the highest quality?"

However widely students may differ as to the advisability of preserving those restrictions which the Constitution imposes upon political liberty in the United States, there are in active operation other restraints which are regarded as odious by every decent citizen, but which, nevertheless, are constantly and effectively employed to destroy the power of the voters.

It is surely a matter of great significance that in the national electoral campaign of 1912 the Democratic platform and the Progressive platform should

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each have made the specific charge that Representative Government had been destroyed in the United States.

"We call attention," said the Democratic platform, "to the fact that the Democratic party's demand for a return to the rule of the people, expressed in the national platform four years ago, has now become the accepted doctrine of a large majority of the electors. We again remind the country that only by the larger exercise of the reserved power of the people can they protect themselves from the misuse of delegated power and the usurpation of Governmental instrumentalities by special interests. . . . The Democratic party offers itself to the country as an agency through which the complete overthrow and extirpation of corruption, fraud and machine rule in American politics can be effected."

The Progressive party platform stated: "Political parties exist to secure responsible Government and to execute the will of the people. From these great tasks both of the old parties have turned aside. Instead of instruments to promote the general welfare, they have become the tools of corrupt interests, which use them impartially to serve their selfish purposes. Behind the ostensible Government sits enthroned an invisible Government, owing no allegiance and acknowledging no responsibility to the people. To destroy this invisible Government, to dissolve

the unholy alliance between corrupt business and corrupt politics, is the first task of the statesmanship of the day."

We have here a state of affairs which is almost unprecedented in the history of modern Democracy. One of the older parties charges the other with having destroyed the rule of the people, and with having debauched the Government; the new party, which was specifically a party of protest, charges both the older parties with having sold their political honor to corrupt interests. This is something quite different from the usual party rivalries founded upon divergence of view as to matters of national policy. It is no longer a question of protection or a tariff for revenue only, of preponderating State control or preponderating Federal control, of extravagance or economy in the public administration; it is a question of whether or not the whole purpose of American political institutions has not been defeated by the corruption of the political agencies.

The Socialist party, which polled nearly a million votes, offered the country a platform which in the main embodied the familiar Socialist demands; but it included demands addressed to securing a larger measure of political freedom in the country—for greater freedom of the press, of speech, and of assemblage; for the abolition of the power of the Supreme Court to pass upon the Constitutionality of

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legislation; for the abolition of the present restrictions upon the amendment of the Constitution, so that that instrument might be amended by a majority of the voters in a majority of the states; for the adoption of the Initiative, the Referendum, and the Recall; and for the introduction of proportional representation both in national and local elections.

Out of fifteen million votes cast in the national election of 1912, more than eleven million, or nearly seventy-four per cent, were cast for the Democratic, the Progressive, and the Socialist nominees for the Presidency; and the Republican candidate polled fewer votes than any Republican candidate had polled since 1868. The Republican vote was, of course, split between Mr. Roosevelt and Mr. Taft; but the split came on the very issue of the urgent need for a new and more vital interpretation of Republicanism; and the insurgent wing beat the conservative wing by more than six hundred thousand votes.

There is no dispute as to the existence of the Constitutional restraints upon political free-will in the United States; and for the existence of the extra-constitutional restraints there is the evidence of the party platforms in 1912, and of the vote in the election of that year.

If anything more were needed to sustain the view that Government *of* the people had survived and

flourished, and that Government *by* the people and *for* the people had fallen by the political wayside, it could be found in the general tone of political discussion in the various organs of public opinion during the past twenty years. There has been constantly presented in the writings of serious men—whether in the press, in the magazines, in the proceedings of scientific societies, or in books—a clear conviction that Government in the United States has passed from the control of the people to that of the party machines, that these machines are serving the ambitions of party politicians instead of the public interest, and that they have gradually come to draw their power not from the support of public opinion but from that of financial and industrial autocracy.

In recent years a new form of special control has arisen, that of strongly organized and heavily financed minorities; and this control is even more dangerous to political liberty than that of the party machines, for it is not only free from the check which internal rivalries exert upon machine politics, but also enjoys the insidious advantage of being able to masquerade as the agent of a “popular” demand.

The considerations advanced up to this point have been those suggested chiefly by an examination of political determinism in the United States up to the eve of the Great War; that is to say under condi-

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tions normal in the sense that for nearly fifty years the Democratic institutions of the country had been subjected to no greater strain than is incident to the ordinary conduct of civil government of the modern type.

What has happened to the American political system since the United States entered the War in 1917 has disclosed with unmistakable clearness that whatever measure of political freedom actually belonged to the American people was endowed with no such security of tenure as the Constitution was supposed to guarantee.

The War compelled the United States, as it had compelled Great Britain and France, to abolish Democracy for the duration of the War, in order that when the War was won the world might be made safe for the kind of Democracy which had to retire into the remote background while the world was being made safe for it. This tacit admission of the weakness of Democracy on the administrative side was forced upon the Democratic world by the unanimous opinion that the problems of the War could not be solved by the quibbling artifices of politics, that, confronted with the grim elements of stark reality, Democracy must forswear its allegiance to oratory, to procrastination, to large promise, and to small performance, and, for a while at least, accept those cold, hard facts of human experience, for-

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merly the butt of its demagogic wit, the despised counselors of its ease, the unheeded beggars at the wheels of its haste.

Committed to this course by the obvious necessities of the occasion, the American people outdid their Democratic brethren the world over, and even their autocratic rivals in Central Europe, in the matter of conferring power upon their chief executive.

Taking it all in all, no man has ever wielded greater authority, less conditioned, than that which the War legislation of Congress placed in the hands of President Wilson. No one who appreciates the full gravity of the world situation in 1917, who understands the peculiar difficulty of carrying into war a population as racially varied as that of the United States, who is aware of the extent to which that population had been drugged into a false sense of safety by the political rhapsodists and by the professional pacifists, can doubt that the brilliant and effective part played by the country in the great conflict was due primarily to the unlimited war powers vested in the President, and to his unflinching employment of them.

He had the courage to discard with the utmost promptness principles hitherto regarded as the cornerstone, the pillar, and the arch of American Democracy, and to consign to the limbo of exploded fallacies, decentralization as the soul of Government,

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competition as the soul of efficiency, and individualism as the soul of politics. As the days passed and the advantages of a strong centralized authority became increasingly apparent, public sentiment hailed with satisfaction each fresh proof that the War was to be conducted with a close regard for the realities, and that peace methods based upon idealistic theory were being rapidly abandoned for war methods based upon practical expediency.

But with the conclusion of the armistice in November, 1918, the existence and the continued exercise of autocratic power in the chief executive office of the nation began to take on a new aspect. Every one who had given any serious thought to the conduct of the War knew that of all the persons directly charged with the responsibilities incident to training the army, to feeding it, to transporting it overseas, to arming it, to supplying it with ammunition, to leading it in battle, to caring for its wounded, not one had been chosen through the agency of the ballot box, that not one of them had derived his authority from a popular vote. Every one knew that if popular control had entered into any phase of the military activity the American people would never have witnessed the extraordinary spectacle afforded by the final marshaling of the intellectual, moral, and material resources of the country in the service of its war aims.

No sooner had the exigencies of war lifted their unifying pressure from the American spirit than the general demand arose that the war powers of the Government should be given up, that the "freedom" of American life should be restored. This was, of course, to be expected; and a similar demand had arisen in all countries. What is to be observed as a phenomenon closely related to the question of political free-will in the United States is that it has been found more difficult here than elsewhere to secure a return to the normal, peace-time functioning of Government.

Those who entertain a confident assurance that the United States Constitution can safeguard effectively the liberties of the American people, that facts inconsistent with this belief do not destroy the premise, but merely prove that all human institutions, even the Constitution, lack something of perfection, would do well to ponder the words of the Hon. Charles E. Hughes, formerly a Justice of the Supreme Court of the United States. Speaking on June 21, 1920, at the centenary celebration of the Harvard Law School Association, he said: "We went to war for liberty and democracy, with the result that we fed the autocratic appetite. And, through a fiction, permissible only because the courts cannot know what every one else knows, we have seen the war powers, which are essential to

the preservation of the nation in time of war, exercised broadly after the military exigency had passed and in conditions for which they were never intended, and *we may well wonder, in view of the precedents now established, whether Constitutional Government as heretofore maintained in this republic could survive another great war even victoriously waged.*"

Coming from such a source—from a man of high distinction in the public life of the nation, from a man whose sobriety of thought and whose legal scholarship are universally respected, from a man who has sat in that very court which is the depository of the Constitutional rights of the American people—the words I have placed in italics carry a significance which cannot be mistaken.

From what has gone before it is difficult to escape the conclusion that, if the test is the power to control legislation and to give expression to the popular will in matters of broad national policy, the American people do not enjoy a larger measure of political freedom than is enjoyed by other peoples. Do they enjoy more liberty if the test is the power to control the conduct of the higher administrative officials?

So far as the President is concerned, the clear implication to be drawn from the passage I have quoted from Mr. Hughes's speech is that no Prime

Minister—much less any President or Monarch—under a “responsible” government, could have resisted as President Wilson has resisted the pressure put upon him by the National Legislature and by public opinion. How does the matter stand in regard to those officials who rank immediately below the President?

In the United States, as in England, the highest administrative officials of the National Government are members of the Cabinet; but no two bodies could be less alike, measured by their responsibility to the people, than those which assemble, respectively, at the White House and at No. 10 Downing Street. The members of the English Cabinet are selected by the leaders of the political party which, for the time being, holds office. Each of them must sit either in the Upper or in the Lower House of Parliament. Thus all the great officers of State are compelled to face their political opponents day by day when Parliament is in session, must be constantly prepared to explain and defend the policy of the Government, and must answer questions in regard to matters with which their departments are concerned. For example, if the Postmaster General should allow his department to deteriorate to a point where it no longer rendered efficient service to the public, any member of the House in which the Postmaster General has his seat can, in the form

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of a question, confront that official with specific instances of incompetence, can demand an explanation, and can threaten to make the matter a Parliamentary issue unless conditions are speedily improved.

What applies to the Post Office, applies equally to every department of the public service, so that the representatives of the English people are at all times in a position where they can call to account the head of any department of the executive government; and this check is exercised in such a way that the complaint and the official explanation are spread upon the record of Parliament, and are, within a few hours, offered to the eye of every Englishman who reads a newspaper.

Nor is it possible for an official thus held to his responsibility to treat the matter lightly, to say that there is nothing in the complaint but political venom, or to decline the challenge of the enquiry, or to meet the criticism by a blunt denial of the facts or by a lip-service to efficiency. If he should follow any of these courses he imperils not only his own tenure of a lucrative post, not only the tenure of similar posts by his political associates, but also the tenure of office by his party. And this peril is not one which lies in the chances of a distant election, it is one with which he and his party can be confronted at any moment. Under the English system, which

allows a national election to be held at any time when the party in power fails to secure a majority on any important motion in the House of Commons, a very narrow limit is set to the defiance which the heads of the Government departments can offer to well-founded criticism of the conduct of public business.

Every one who is familiar with the conduct of great enterprises, whatever may be their special character, knows that the only form of control which is in any real sense effective is that which rests upon the ability to fix responsibility squarely upon a particular individual, and upon the power to make that individual himself pay the price of his shortcomings.

This form of control the Englishman holds over every man who fills a political office in the national Government. Does the American hold any such control over the high officials of the Federal Government?

As in England, so in the United States, the Cabinet is composed of the heads of the great administrative departments, and are political appointees in the sense that they are chosen by the President from adherents of his party. But here the similarity between the two bodies ceases. The President's Cabinet is not responsible to the country for a program of legislation; it is not responsible to Congress for the efficient discharge of departmental business. Short of the commission of gross acts of

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malfeasance, for which removal from office might be attempted by the difficult and uncertain process of impeachment, a member of the President's Cabinet has nothing to fear from public indignation or from any act which lies within the power of the people's representatives in Congress; and he can retain his place in the Cabinet and his control of his department for four years (or for eight, as the case may be) upon the single condition that he remains *persona grata* at the White House. A striking example of the inability of the American people to find, through the exercise of their political power, a quick and effective remedy for notorious official incompetence, is furnished by the operation of the United States mail service during the past seven years, a service which has steadily sunk from depth to depth of inefficiency, until it has become the object of universal ridicule, and this in face of innumerable protests from every section of the country and from every class of the population.

An example even more striking is that of the charges recently made against the Department of Justice by the National Popular Government League. These charges are embodied in a Report on the Illegal Practices of the Department of Justice, signed by the Dean of the Harvard Law School, and by eleven other legal experts. It is unnecessary to enter into the details of the incident, but it

is pertinent to note that a Federal Judge, in whose Court the actions of the Department of Justice were introduced in evidence, employed the following language:

"I refrain from any extended comment on the lawlessness of these proceedings by our supposedly law-enforcing officials. The documents and acts speak for themselves. It may, however, fitly be observed that a mob is a mob, whether made up of government officials acting under instructions from the Department of Justice, or of criminals, loafers and the vicious classes."

That the affair did not lack wide publicity is proved by the fact that *The Nation* published a three-page article about it on June 12, 1920. The writer, Captain Swinburne Hale, a graduate of Harvard College and of the Harvard Law School, charges the Attorney General of the United States with having employed brutality, torture, forgery, theft, and the activities of provocative agents, in the cases he discusses; and advocates his impeachment for high crimes and misdemeanors.

It is highly significant of the political helplessness of the American people that their highest legal official can be confronted by a reputable national organization, by the Judge of a Federal Court, and by a weekly journal of world-wide reputation, with evidence of infamous illegality in the work of the

Department of which he is the head, that his responsibility cannot be fastened upon him by any process less cumbersome and uncertain than that of impeachment, and that in face of a formidable public indictment of his conduct he needs only the friendly consideration of the Chief Executive to hold him immune from the necessity of resigning his office.

It may be said that the recurring national elections afford the people an opportunity of visiting their displeasure upon such an Attorney General. But this does not meet the point under discussion. In the first place, such a situation might arise when a national election was still some years in the future; in the second place, if the people wished to keep the Democratic party in power, on general grounds, they would either have to forego this wish, so that they might be rid of one Democratic official, or to forego their wish to punish this official, in order that they might keep his party in power.

I may recall to the reader's attention another peculiarity of the American political system which seriously restricts the political freedom of the American people. In England, and in all other countries having what is accurately and succinctly described as "responsible" Government, the party in power is always in the position to carry out its program of legislation, so long as it commands a majority of

legislative votes; and when it no longer commands this majority it relinquishes the reins of Government into the hands of those who can muster the following necessary to carry out a legislative program. In the United States, however, as everybody knows, the power of legislation may be in the hands of a Republican Congress, and the veto power in the hands of a Democratic President, or *vice versa*; and one party may have a majority in the Senate and the other party in the House of Representatives.

This peculiarity extends also to the State Governments, so that the legislative system of the country may be described as one in which there is not anywhere to be found that element of clearly fixed responsibility without which popular Government becomes a mere fiction. The American people have, in fact, no quick asset of political power which they can apply to the control of their public affairs.

CHAPTER III

THE evils arising from the quality of irresponsibility in the American political system have been intensified by the influence of two idiosyncrasies of which the American people appear to-day to enjoy a monopoly—a passion for legislation, and a blindness to the extreme importance in modern Government of a sound administrative technique.

The amount of legislation brought forward each year in the United States is almost beyond belief. In the Session of Congress which ended in September, 1916, and which sat for only nine months, there were introduced 24,818 bills, 477 joint resolutions, and 86 concurrent resolutions. Taking the bills alone, we may compare their number with that of a session of the British Parliament. The Parliamentary session which ended in January, 1916, and which had lasted for fourteen months, had before it 231 bills. It is interesting to note that if members of Parliament had introduced bills at the same rate as members of Congress introduced them, the session referred to above would have yielded 28,952 bills instead of 231; and that *mutatis mutandis*, the

session of Congress would have yielded 153 bills instead of 24,818.

This comparison does less than justice to the situation. It must be borne in mind that Congress is only one of fifty legislatures in the United States, and that the United Kingdom of Great Britain and Ireland has but one legislature. In the five years ending with 1904 Parliament *passed* less than fifteen hundred laws; in the same period the American legislatures *passed* more than forty-five thousand!

It is interesting to recall in this connection the solemn warning published more than a hundred years ago in No. LXII of *The Federalist*:

"It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?

"Another effect of public instability is the unreasonable advantage it gives to the sagacious, the enterprising, and the moneyed few over the industrious and uninformed mass of the people. Every

new regulation concerning revenue, or in any way affecting the value of the different species of property, presents a new harvest to those who watch the change, and can trace its consequences; a harvest, reared not by themselves but by the toils and cares of the great body of their fellow citizens. This is a state of things in which it may be said with some truth that laws are made for the *few*, not for the *many*."

The overwhelming flood of law with which Congress and the State Legislatures inundate the country has been the subject of a great deal of comment by competent observers. The Hon. Samuel W. McCall, ex-Governor of Massachusetts, in his excellent volume on "The Business of Congress"—written after eighteen years of continuous service in the House of Representatives—has this to say of the bulk which American law has attained:

"The shelves of our libraries are already groaning under the burden of statutes, and the product of a few decades of our present activity will be so enormous as easily to surpass one's ability to comprehend it. We are a great manufacturing people, and we delight to express our industrial achievements in terms that dazzle the imagination. But we easily lead the world not only in the quantity of iron and other material things we produce; we lead it also in the bulk of our laws. Many of these

laws, state and national, are of a penal character, with penalties often of great severity, and in some instances, with their artificial standards, conscience affords no guide to one who is ignorant of their provisions. Only the very few can be familiar with the multitude of these statutes, and the mass of men necessarily know little or nothing about them. The crimes they create would in some cases be the natural expressions of a benevolent heart, and law-breaking becomes unavoidable even among those who are best disposed. The aspiration to multiply penal laws is a characteristic trait of a free and inventive people. With the ingenuity to devise legislative nostrums to cure the supposed defects in the work of nature, and the freedom to prescribe them, man's natural powers are more and more restrained by statute. He is endowed with statutory virtues, and finally the puny, statute-made creature ceases to stand in the image of God, whose place as Creator the law-making agency has attempted to usurp. We have reached that temper, for the moment only let it be hoped, when nothing seems so galling as real freedom, and when society must have its fetters, even if they are self-imposed. . . . And unless we shall speedily come to realize the truth of what Burke said, that repeal is more blessed than enactment, we shall, by the chains we are constantly forging, reduce ourselves to a state of slavery, or at least

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reach a condition where government takes the place not merely of the father and mother, but of the Deity, also."

These words were written ten years ago; and Mr. McCall must by now have abandoned the hope that the American lust for legislation was merely a passing appetite.

The situation would be bad enough if all this law were carefully drawn, carefully considered before enactment, carefully enforced, and carefully observed in its operation so that its effects might be carefully studied. But of the greater part of the law none of these things can be said. Professor Charles A. Beard, in his "American Government and Politics," refers to "the vast amount of irregular, hasty and pernicious legislation," and adds the following footnote to this characterization: "A recent critic of American methods of legislation, Mr. Ernest Brunken,* sums up the evils of our excessive legislative activities as follows: Owing to the prolixity, confusion and constant amendments of our laws it is almost impossible for the layman or lawyer to say what the law is on any subject; the legislatures, in drafting laws, all too frequently ignore the most common rules of adjudication employed by the courts; there is a constant tendency

* Formerly Legislative Reference Librarian of the State of California.

to neglect the effect of any new statute upon the existing body of law; many of our bills are drawn by men who are not lawyers and do not have even the most elementary knowledge of legal requirements; the practice of log-rolling leads to the passage of countless measures without any adequate scrutiny; our legislatures are so organized and conducted as to prevent the discussion and detailed consideration of bills; there is generally little or no attempt to unify the output of each legislative session."

Serious as these conditions undoubtedly are, they represent only one phase of the unsatisfactory state of American legislation. This element in American government has been profoundly affected by several influences which have combined to deprive it of all resemblance to an agency for giving expression to the popular view of a desirable public policy.

There has been a gradual subordination of all other considerations to the single one of conserving and exploiting party power; and this has been accompanied by a gradual "improvement" of machine technique which has converted legislatures into mere registering instruments for machine decisions. The utter helplessness of members who do not act with the party in control of the legislature is disclosed in a pamphlet issued a few years ago by the Illinois Legislative Voters' League. The methods employed

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in the various States differ, of course, in detail; but the following extract from the League's pamphlet is fairly typical of what occurs:

"Consider the petty annoyances to which a decent member outside the 'organization' may be subjected, and the methods by which legitimate legislation, backed by him, may be blocked. The bill goes to an unfriendly committee. The chairman refuses to call the committee together, or, when forced to call it, a quorum does not attend. In case a quorum attends, the point may be raised that the bill is not printed, or the chairman may fail to have the original bill with him. Action may be postponed on various pretexts, or the bill may be referred to a sub-committee. The committee may kill the bill by laying it on the table. On the other hand, the committee may decide that the bill be reported to the house to pass. Then a common practice is for the chairman to pocket the bill, delaying to report it to the house till too late to pass it. When finally reported to the house, it goes on the calendar to be read a first time in its order. Then begins the advancing of bills by unanimous consent, without waiting to reach them in order. Here is where the organization has absolute control. Unanimous consent is subject to the speaker's acuteness of hearing. His hearing is sharpened or dulled according to the good standing of the objector or of the member

pushing the bill. If one, not friendly to the house 'organization,' wants to have his bill considered over an objection, he must move to suspend the rules. The speaker may refuse to recognize him, or may put his motion and declare it carried or not carried as suits his and the organization's desires. So the pet bills are jumped over others ahead of them on the calendar, while the ones not having the backing of the house 'organization' are retired farther and farther down until their passage becomes hopeless. If the bill of the independent member reaches a second reading, it may be killed by striking out the enacting clause or by tacking on an obnoxious amendment that makes it repulsive to its former friends. . . . To carry out the will of the organization, the speaker declares amendments carried or the contrary on *viva voce* vote. Demands for roll-calls are ignored by him in violation of the members' constitutional rights. This is called 'gaveling' a bill through. Formerly the gavel was used to carry through political measures of the majority party and to prevent obstructive and dilatory tactics of the minority party. By a gradual growth it has come to be used to help or defeat legislation in which the organization has an interest, although the majority may have a contrary view. What the speaker declares, the clerk must record, and what the clerk records no court will set aside."

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(Taken from Beard's "American Government and Politics.")

To complete the foregoing account it is only necessary to add that if a bill should survive the various dangers to which it has been exposed in the lower house, it has to run the gauntlet of similar assaults in the upper house; and that, finally, it must face the ordeal of the Governor's veto power.

✓ The position of the "independent" member is, from another cause, peculiarly weak under the American system. Owing to the fact that a man can be elected to the legislature only from the district in which he resides, the chance of his being able to retain his seat becomes less in direct proportion as his opposition to machine politics becomes greater. ✓ So long as he can be held down by the ordinary tactics of machine control all he has to fear are the ordinary chances of a political campaign. But if, being a member of the controlling party, he should defy the machine, or if, being a member of the minority party, his vigor, his ability, or his popularity should make him a really formidable antagonist, extraordinary efforts are made to kill him, politically, in his district. These efforts are by no means confined to purely political action; and, if they succeed, the man's political career is at an end, unless he is prepared to start over again in

another district where, indeed, his independence may well bring down upon him a similar retribution.

In England a man is protected from this particular risk by the right he enjoys of offering himself as a candidate in any electoral district in the country. The effect of this freedom—which is no less a freedom of the voters to seek a representative from any part of the country, than it is of the candidate to seek election wherever he believes his character, his record and his opinions offer him a chance of success—is to minimize the influence of local issues and of local pressure and to endow a political career with such measure of security as encourages a higher type of man to enter political life than the American system attracts to itself.

It was largely through the suppression of the “independent” member, and the resulting concentration of power in the hands of a small clique of machine politicians, that the opportunity lay open to special interests to seize control of State legislatures and, where the judges are elected, of the State judiciaries.

Within the past twenty years abundant evidence has been brought to light of the gross misuse of the legislative and, less frequently, of the judicial authority of a number of States to serve the interests of railroad magnates, of insurance companies, of financial institutions, and of industrial corpora-

tions. As a result of the successive "exposures" which have attracted public attention almost continuously since 1900, a movement of protest has arisen. The movement has given birth to new political parties, to new organs of publicity, to anti-trust legislation, to the regulation of lobbying, to changes in the machinery of elections, to the limitation of campaign expenditures.

These agencies have, no doubt, exercised some restraint over the abuses they were designed to destroy; but their principal effect has been to impose upon the instruments of corruption the necessity of refining their methods. The resort to direct corruption by powerful special interests has, in the opinion of many observers, been much less frequent in recent years than it was formerly. It is a matter about which it is almost impossible to get at the actual facts; but there is good reason to suppose that this change has actually occurred.

It is very easy, however, to misinterpret the significance of the change, and to mistake the re-formation of the legions of corruption for their reformation. What has happened is that the secret agent has been to some extent replaced by, or, on a more sinister interpretation, has been supplied with a most valuable colleague in the publicity agent. No great corporation is without its publicity department; and the work of such departments is con-

ducted under the double advantage of being within the law, and of wearing, to the eye of the uninitiated, the aspect of an "educational" campaign. Every one is aware of the enormous extent to which corporations are now employing publicity methods. The newspapers and magazines carry their advertisements by the page, their pamphlets, circulars and letters reach every man and woman whose name is in a directory. If much of this material would not bear a moment's critical scrutiny, its influence is nevertheless extremely powerful, because the vast majority of those whom it reaches are congenitally incapable of distinguishing between assertion and evidence. The specious quality of these appeals is enhanced by the use of pictures, diagrams and statistical curves to the point where a great appearance of authenticity is created.

The exact returns from these campaigns of "education" are known only to those who know what their aims are, what their cost is, and what results they produce. But the public has every reason to know that there are very substantial returns. If there is any truth in the claims of the purveyors of ordinary commercial publicity we are justified in assuming that a sufficiency of money employed with sufficient skill can make a credulous people believe that the X. Y. Z. Packing Company, or the Z. Y. X. Milk Corporation, is conducting

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its business so little for profit and so much for "social service" that the proposed legislation, the proposed investigation or the proposed prosecution would be welcomed by it, were it not that it would be sure to send up the price of meat, or of milk, as the case might be.

The purchase of public opinion, as differentiated from the purchase of votes and from the purchase of legislators, threatens to become a more serious evil than any of the more primitive forms of corruption. To whatever extent Government is public opinion translated into action through the agency of legislation, heavily financed propaganda can be made an all-powerful determinant; to whatever extent Government is private interest translated into action through the corruption of agency, propaganda can afford to corruption the most valuable support and confer upon it the most valuable immunities.

In connection with American legislation we observe, then, the confusion which results from an unknowable and unworkable amount of law; the uncertainty, the delay and the expense which carelessly-drafted law introduces into all litigation; the futility of ill-considered measures; the contempt for all law which the lax enforcement of law never fails to produce; and the perversions of the law-making and of the law-enforcing agencies which arise from

party pressure, from machine control, from direct bribery, and from the manipulation of public opinion. In a word, it is clear that even if the widely-held belief that in legislation alone there is to be found a cure-all for every kind of public and private malady were anything more than a mere delusion, the method of its enactment, the influences to which it is subjected before it reaches the statute books, the influences to which its enforcement is subjected after it has become law, combine to deprive American legislation of whatever curative properties it might otherwise possess.

If one deliberately elects to adopt a patent-medicine theory of legislation, the method founded on such a theory—which bestows nearly two hundred laws a week on the country—has this to recommend it, that it ministers to the same popular taste which has led the American people to adopt a patent-medicine theory of therapeutics. In each instance the people do actually get something upon which they set a great value. In the one it is not good Government, in the other it is not good health; but in the one case as in the other the people do enjoy the freedom of expressing their will in terms of their faith. History is packed with evidence that the opportunity of exercising this kind of freedom is one of the most powerful appeals to which

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humanity is accessible; and that, terrible as the consequences have often been, nothing has ever seriously impaired its popularity.

The irrationality of the patent-medicine theory of political action is exhibited in a striking form when we turn from the field of legislation to that of the administration of the Government which legislation creates. It might be supposed that where legislation is regarded—as it seems to be almost universally regarded in the United States—as something which will fill the place of individual character and intelligence, there would exist a general demand that law, whether civil, criminal or regulative, should be efficiently administered, and a general curiosity as to the results. It is notorious that in each of these matters there exists, on the contrary, a general indifference. Let us glance first at the administration of the Government.

An early Constitution of Massachusetts, after providing for the separation of the executive, the judicial and the legislative powers, declared, in a phrase which has enjoyed a good deal of popularity, what the object of such separation was—"To the end that there may be a Government of laws and not of men." This was said at the end of the eighteenth century; and at the time the great issue in the public mind was that of emancipating the American colonies from the rule of a group of men

in London, and of securing a Government whose laws would be made locally, irrespective of what London thought of them.

It was not unnatural that in such circumstances a Government of laws and not of men should have appealed strongly to the people of Massachusetts. The obvious consideration that laws are made by men and put into effect by men had much less weight in the eighteenth century than it has in the twentieth. In those days legislation concerned itself with comparatively few matters, and these matters were comparatively simple in their nature; they hardly extended beyond collecting the taxes, keeping the post-roads in repair, punishing a few criminals and misdemeanants, impounding stray dogs, and administering the civil law. None of these tasks called for any high degree of technical skill either in the making of laws and regulations or in their enforcement.

What is the scope of Government to-day? I get up in the morning and go into my bathroom: the Department of Justice has been much interested in the Bath Tub Trust. I turn on the water: the Bureau of Public Franchises and the Bureau of Bacteriology rise before me. I grasp my tablet of soap: it is made in Chicago by the Beef Trust, the Department of Justice has to know whether it is the product of an agreement in restraint of trade,

and whether the manufacturer secured a rebate from the railroad which transported it. I dry myself with a cotton towel: the Department of Agriculture has helped to afford me this convenience by furnishing the cotton-grower with a report on the boll-weevil. I step out onto my bath mat: it is an imported product—was the consular invoice correct, was the full amount of duty paid on it by the New York customs broker? Presently I find myself in the kitchen, and I light my gas stove—the gas is the concern of the Government. I put a lamb chop on the broiler, and as it cooks I speculate as to whether the purple stamp of the Government meat-inspector contains any poison. Presently I take a street-car to my place of business: the street-car itself, the power by which it is propelled, the track along which it runs, the stopping-places along the route, are all affected by Government regulations. I enter my office building: the structure is the concern of the Government, on account of the fire laws; the business I do in it is the concern of the Government in a dozen particulars dealt with by the Income Tax Law, the Interstate Commerce Law, the Sherman Act, the Pure Food Law, and so on. Whilst I am reading my mail the telephone bell rings—the telephone is the concern of the Government—some one tells me that my child—the child is the concern of the Government—at the public school—the school

is the concern of the Government—has got the diphtheria—the diphtheria is the concern of the Government—I hasten off to pick up my physician—the physician is the concern of the Government—we go to the school in his automobile—the automobile is the concern of the Government—later on I pay him with a National Bank bill—the National Bank is the concern of the Government; and all this is no more than a sketchy outline of what Government is concerned with to-day.

If we leave the field of law-making, and enter that of the administration of Government, we are now on ground where the American people enjoy more freedom than other peoples, since they elect by popular vote a larger number of their officials. Here, again, we find the state of affairs extremely unsatisfactory.

In the matter of conducting the public business all Governments are alike in one particular, namely, that the great majority of public servants are exclusively occupied in carrying on the official routine, and that routine efficiency is all that is demanded of them. Their technical qualifications can be sufficiently determined by civil service examinations; and, provided the government—Federal, State, County, or Municipal—does not pay salaries much lower than those offered by private employers, the work of the subordinate Government staff will not

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be much worse in quality than that with which private employers have to be content, though it will probably be less in quantity.

Omitting all consideration of whether the civil service examinations are severe enough to eliminate incompetent candidates for Government posts, and of the number of positions which fall outside the civil service rule, what distinguishes one Government from another, on the administrative side, is the type of man chosen to fill the important offices near the top of the official ladder—the men who are responsible for departmental policy, and who give the tone to departmental work.

It is all very well to *talk* about a Government of laws and not of men; it is even excellent to talk about it when we are attempting to secure the enactment of good measures; but those who imagine that the fight for good Government is won if and when the good measures have become law—and they appear to comprise almost the whole population of the country—are simply making it inevitable that whatever goodness there is in Government will remain between the front and the back covers of the law books, and will never be liberated into the open spaces of administration.

It is a most unfortunate circumstance, but one which has to be faced with perfect frankness (unless our attitude toward Government is always to remain

purely rhapsodical) that whereas bad Government can always look after itself, good Government must always have some one to look after it.

As between bad administrative law with competent and honest administrators, and good administrative law with incompetent or dishonest administrators, the former often yields good Government; the latter, never. My own observation in many countries leaves me with the firm conviction that there is, on the whole, far more incompetence in Government than there is corruption, and that, on the whole, incompetence is the greater of the two evils. You can bring pressure to bear upon a competent but dishonest man to forego his dishonesty and to give full rein to his competence—high pay, the applause of his fellowmen, the threat of power lost through its misuse, the promise of power retained through its distinguished exercise. The honest but incompetent official is the curse of Governments. His public service is neither more competent because he is honest, nor more honest because he is incompetent; and while his honesty does nothing toward bringing competence into repute, his incompetence brings honesty into disrepute.

The character and ability of the higher administrative officials exert, then, the most powerful influence, not upon what legislatures decree shall

be the conduct of public affairs, but upon what the conduct of public affairs actually is. If we assume—and it is an assumption almost universally made by those who write and speak on Government, without the slightest evidence to support it—that most people want good Government, that is to say, honest and efficient administration of public affairs, it is impossible to reconcile this assumption with the scale of salaries which the public offers its higher officials.

There is no country in the world where it is easier to make money than it is in the United States, or one in which it is more difficult to keep it. It is the existence of this dilemma which compels the great industrial, commercial and financial magnates to pay the large salaries they do to thoroughly competent technicians and executives. Compared with these salaries the pay of the higher Government officials is a mere pittance. There are thousands of men in the United States who draw salaries or fees from private employers in excess of fifteen thousand dollars a year, hundreds who draw more than twenty thousand, scores who draw more than fifty thousand. The President of the United States is, I believe, the only public official whose salary is more than fifteen thousand dollars; and the number who are paid more than ten thousand certainly does not exceed a hundred.

Now, making allowance for a few exceptional cases, nothing is more certain than that in Government, as in all other undertakings, what you get is what you pay for, that you can no more get the services of a twenty-thousand-dollar-a-year man for a salary of ten thousand than you can get a ten-thousand-dollar diamond for five thousand.

The niggardliness of official salaries in the United States has been defended on the ground that if all a man works for is money, money will not make him give you good work; that what we need in public officials is the spirit of service; and that low salaries will keep undesirable men out of Government posts. Had I not encountered this view again and again I should have found it difficult to believe that any one could seriously advance a theory that Government service has the unique characteristic that high pay means poor quality of service and that poor pay means high quality.

Few people, I imagine, have given much serious thought to the chain of causation which determines whether or not a Government is well administered. So far as the lower grades of the public services are concerned, low salaries have no more serious results than to multiply the number of Government officials and to place on the public pay-roll thousands of men and women who might otherwise be out of employment. But the poor salaries paid in the higher

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grades involve the most disastrous consequences to the administrative system and cost the public many times over what they save by their parsimony.

When it is reflected, on the one hand, what a highly technical matter the administration of Government has become, and, on the other hand, what devastation can be wrought by incompetence or by corruption in an administrative system as delicately articulated as a modern administrative system must necessarily be, it should be clear to every intelligent citizen that every defect in the skill or in the integrity of public servants above the clerical rank is something which carries its influence into almost every phase of the life of every human being in the country.

That the best skill of the nation and its highest integrity are not to be found in a larger measure than they are in the service of the Government is due to the fact that private interests realize the indispensableness of these qualities in large affairs, and that the public does not realize it; that private interests are willing to pay for these qualities, and that the public is not.

But there is another aspect of this subject which is at least as important as that which concerns rewards in money. A business career is a real career, and public service is not a career at all: it is merely a form of employment.

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A man who works for a great corporation knows that if he has ability and uses it he can look forward with confidence to promotion by successive stages to positions which will give him more interesting work and more responsible work; and he knows that it is upon his work alone that these things depend. He thus has every incentive to give the best that is in him. Apart from moral incentive, there is the very practical one that if he gives less than his best he will be held in one place, then put in a lower one, then dismissed.

In the public service the conditions are wholly different. Here, if a man goes in under civil service rules, he knows that his best efforts cannot insure him quick promotion, and that something very much less than his best effort will suffice to keep him in the service. If he is an elected official he knows that so far as his retention of office is concerned it is not primarily upon his services to the public but upon his services to the party that his tenure of office chiefly depends. It is not to be wondered at, when these facts are considered, that, altogether apart from any question of the amount of corruption in the Government service, there should be so little evidence of distinguished competence in it. It has become the refuge of the mediocre, and the paradise of the routinier.

It is possible that the American people would

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have developed a deeper interest in the administrative side of Government if they had had at their disposal some annual publication which, through the medium of impartial and interestingly written reports, would supply a real account of the state of the country. But so far as the general conditions of the country are affected by the administration of the Government, the American people are completely in the dark as to whether they are advancing to a higher level or falling back to a lower, and as to whether they are in a better or in a worse position than other countries.

In regard to the operation of the criminal law, no statistics are available, for the whole country, showing the number of crimes reported to the police, the number of cases brought into court, the number of convictions secured, the nature of the sentences imposed, the proportion of convictions to acquittals, the proportion of successful appeals to the number of cases tried, the number of sentences carried out in full, the number carried out in part, the number of pardons granted, or the criminal record of habitual offenders. In the absence of such statistics it is impossible to ascertain the state of crime in the country, to measure the efficiency of the police or of the criminal courts, to observe the attitude of American juries to various kinds of crime, to know the extent to which executive clemency

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interferes with the administration of criminal justice, or to keep informed as to the size of the class of habitual criminals.

In regard to the operation of the civil law, there are no statistics available for the whole country, showing the number, character and disposition of civil suits; and in the absence of such statistics it is impossible to know what the actual relation is between borrowers and lenders, between landlords and tenants, between employers and employees, between purchasers and vendors, between parties to contracts.

In regard to the operation of administrative law there are no statistics available for the whole country, showing the number and disposition of cases arising under the regulations covering sanitation, food supply, traffic, weights and measures, and so on. In regard to other matters of the greatest importance, which do not always come within the scope of the law, there is an equal lack of information. There are no complete data available showing the amount, nature and distribution of diseases in the country, nor the total number of strikes and lockouts, with details of their cause and settlement. Even the simplest vital statistics—those relating to births and deaths—are lacking. Writing on this point in 1913, Dr. Cressey L. Wilbur, Chief Statistician of the Bureau of the Census, said: "The

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United States is exceptional among the countries of the civilized world in that there are no national system of vital statistics and no complete records of births and deaths for the country as a whole." From a statistical table printed by Dr. Wilbur it is seen that complete statistics of births, deaths and marriages were available to him from Austria, Belgium, Bulgaria, England and Wales, France, Germany, Holland, Hungary, Italy, Japan, New South Wales, New Zealand and Sweden. These statistics covered a period of twenty-eight years in each country. For the United States no figures could be given for marriages; the figures for births covered only two years and referred to only one quarter of the population of the continental United States; and the figures for deaths covered only five years, and referred to little more than half of the population.

An enormous amount of material has, of course, been published in regard to most of the matters referred to in the foregoing paragraphs, in the form of books, brochures, magazine articles and papers in the proceedings of a number of scientific societies; but valuable as many of these contributions are, most of them cover special periods and special localities, and they lack both the authority which attaches to official publications, and the usefulness

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and accessibility of comprehensive surveys issued at regular intervals.

In the circumstances described above it is impossible for any American to inform himself accurately of the general state of the country at any moment, still less of the details of its social movement. He can find out what the population is; what the range of temperature was last year at Abilene, Tex., and at Winnemucca, Nev.; the amount of unappropriated and unreserved land in the various States; the value of the crops, of the imports, of the exports, of the manufactures; the amount of the public debt, of the coinage and paper money, of the bank clearings, of the life insurance written by fraternal orders, of the revenue receipts per capita from fines, forfeitures, and escheats in West Hoboken, N. J.; and much more in the domain of purely material things.

But if he should wish to obtain any knowledge definite enough and comprehensive enough to be really useful to him, about the state of crime, of disease, of business and of social morality; about the relations between landlord and tenant, or between debtor and creditor; or about the purity of the nation's food, or the accuracy of its weights and measures; or about whether he pays much more or much less than other people for his water supply, for his street and house lighting, for his police pro-

tection, for his road building—in a word, if he wants to know *definitely* about any matter which directly affects his actual daily life, he has no means of finding out; and this inability to discover the facts has, no doubt, been a powerful influence in keeping so large a proportion of the best intelligence of the country out of politics.

It is the scarcity among the people of definite and accurate information about the social conditions of their own and other countries which has made the discussion of public affairs in the United States unreal to the point of comedy, and has left the field open for an irresponsible and endless warfare of assertion and counter-assertion.

In a conflict of this nature every advantage lies with the rhapsodists, up to a certain point. Their supply of ammunition is limited only by the power of their imagination; and the target at which they direct their fusillade is so large that it cannot be missed—it is no less a mark than the credulity, the vanity, the ignorance, the forgetfulness and the indifference of man. For more than a century the American people have been under fire from the batteries of the Democratic enthusiasts; and so effective has been this unremitting assault upon the national emotions that the tortures of the Inquisition were not more potent to secure theological orthodoxy than oratory has been to secure political

orthodoxy. Under the combined influence of eloquence, misrepresentation and special pleading, Democracy in the United States lost, many years ago, all the qualities which made it a good form of Government, and took on those which have made it a bad form of religion. It ceased to be a good form of Government as soon as faith and not good works became the test of Americanism; and it failed to become a good religion when faith did not produce good works.

The rhapsodists, whose influence has so thoroughly narcotized American political thought, fall into two classes. One comprises the professional politicians whose aim is to stimulate patriotism to the highest degree and then to harness it to the service of their party; the other is made up chiefly of men and women, of high character and of noble impulses, who are incapable of retaining in their intellectual systems anything which could tarnish a beautiful faith in the natural goodness of all men, or, at least, in the magic power of Democracy to make all men good.

The following quotations, of which the first and the last are separated by nearly a hundred years, will serve to define the meaning I attach to the term "rhapsodist."

1824. Edward Everett, in an Oration before the Society of Phi Beta Kappa, said: "Our popular

institutions are favorable to intellectual development because their foundations are in dear nature. . . . They bring up remote and shrinking talent into the cheerful field of competition. . . . They bestow upon all who deserve it or seek it the only patronage that ever struck out a spark of celestial fire . . . the patronage of fair opportunity."

What can one say of statements of this kind, coming from a man of Everett's great abilities? At the age of twenty-one he was professor of Greek at Harvard; at twenty-six he was editor of the *North American Review*; between his thirty-first and his forty-first years he was a member of Congress; at forty-two he was Governor of Massachusetts; at forty-seven he was Minister to Great Britain; at fifty-two he was President of Harvard; at fifty-eight he succeeded Daniel Webster as Secretary of State of the United States; at fifty-nine he entered the United States Senate.

As he was one of the earliest, so also was he one of the most distinguished of the rhapsodists; and of those I quote here he is the only one whose views I will discuss.

"Our popular institutions are favorable to intellectual development. . . ." Either this means that American institutions are more favorable to intellectual development than are those of other nations, or it means nothing, read with its context.

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At the time of Everett's oration the United States had developed only two men whose intellects, measured by those of all ages, fall into the highest rank—Alexander Hamilton and Benjamin Franklin. Each of these men was born a British subject; and each of them got his education, made his career, and reached the height of his intellectual development not under "our popular institutions," but under British colonial institutions, and, between 1776 and 1787, under no institutions. If we observe the intellectual history of the United States since "our popular institutions" were established in 1787, there is nothing whatever to show that these institutions have been more favorable to the development of great intellects than have been the institutions of England, of France, of Germany, of Ireland, of Scotland, of Italy, or of Russia, to go no further.

" . . . Their foundations are in dear nature." Even after allowance has been made for the fact that at the time Everett delivered his oration the scientific world was still in the pre-Darwinian era, this statement is highly rhapsodical. The incessant strife and violence of "natural" phenomena were open to all observers; what Darwin did was to bring the elements of the struggle for life within the terms of an evolutionary theory, not to show that nature was "dear."

" . . . They bring up remote and shrinking

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talent into the cheerful field of competition. . . . " There may, indeed, be circumstances in which competition is "cheerful," but they must be extremely rare.

" . . . They bestow upon all who deserve it or seek it, the only patronage that ever struck out a spark of celestial fire . . . the patronage of fair opportunity." It would be unfair to make any point of the presence of the word "or" in this sentence. If the oration had been delivered at the beginning of the twentieth instead of at the beginning of the nineteenth century, the "or" might have been put in by intention; it is only bare justice to assume, however, that what Everett said was "and." Even then the sentence is painfully rhapsodical. The only reasonable interpretation which can be put upon it is that genius gets a fairer opportunity under Democratic than it does under monarchical, aristocratic or oligarchic institutions.

History affords no evidence in support of such a view. Athens gave the world many of the greatest intellects of all time; and Athens, as Rousseau said, "was not really a Democracy, but a very tyrannical aristocracy, governed by scholars and orators." Rome produced its greatest poets, orators, historians and statesmen during the period which saw the gradual decay of the Republic and the rise of the Empire. The Democratic element which existed

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in many of the early Italian Republics was apparent rather than real; and the effective power was in the hands of the great nobles to whose patronage of the arts the Renaissance in Italy owed whatever stimulus opportunity gave to the genius of the time.

No period of French history has been more fruitful of intellectual achievement than the seventeenth and eighteenth centuries; and in no period of equal length in the history of any European country west of the Vistula have the people played a smaller part in Government.

But it is in the history of England that we find the clearest proof that it is not the periods of "popular" Government which have been marked by unusual outbursts of genius. In Tudor England the monarchs ruled in a very real sense, and the people were ruled. The house of Tudor reigned for less than a hundred and twenty years. This period produced Shakespeare, Spenser, Sir Thomas More, Surrey, Marlowe, Beaumont and Fletcher, Chapman, Sidney, Napier, Cavendish, Coke, Drake, Howard of Effingham, Hawkins, Wolsey, Cranmer, Francis Bacon, Frobisher and Raleigh.

With the accession of Queen Anne, in 1702, the control of Government passed from the crown to the nobles, in whose hands it remained, effectively, for more than a century and a half. It is true that

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the Reform Bills of 1832 and of 1867 extended the political franchise to a large number of the people, but it was certainly not until after the passage of the Reform Bill of 1884 that the people were able to exert an influence in the State in any way comparable with that exerted by the aristocracy. The period of aristocratic domination in modern England extended roughly from the beginning of the eighteenth century to a date which cannot be placed earlier than 1884. It was this period of aristocratic domination which in one small country gave to statesmanship Burke, Chatham, Pitt, Fox, Walpole, Carteret, Harley, Temple, Clive, Hastings, Bolingbroke, Windham, Peel, Bright, Cobden, Russell, Palmerston, Canning, Disraeli, and Gladstone; which gave to letters Addison, Swift, Steele, Defoe, Dickens, Thackeray, Scott, Lamb, Hazlitt, Burns, Pope, Keats, Carlyle, the Martineaus, the Brownings, the Brontës, Johnson, De Quincey, Southey, Ruskin, Coleridge, Wordsworth, George Eliot, Grote, Gibbon, Macaulay, Bagehot, Buckle and Byron; which gave to science, scholarship and philosophy Bentham, Hume, Airy, Jowett, Berkley, Porson, Arkwright, Stephenson, Mill, Herschell, Darwin, Huxley, Wallace, Hamilton the philosopher, Hamilton the mathematician, Cayley, Adam Smith, Bentley, Watt, De Morgan and Clerk

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Maxwell; which gave to art Gainsborough, Reynolds, Romney, Raeburn, Turner, Constable, Flaxman, Leech, Wilkie, Opie, and Cruikshank.

The above list could, of course, be greatly extended; but it is long enough to show that "popular institutions" are not necessary to the production of genius.

I turn now to some of the modern rhapsodists. Writing in 1908, Mr. John T. Dye, in his "Ideals of Democracy," says: "When the welfare of all and social helpfulness become the controlling ideals of our political life, and we are able to enforce existing laws and punish criminals, we will be able to enact legislation that is not in the interest of the anti-social classes. Democracy . . . trusts the Power that causes the plant growing in the darkness to turn to the light, and the vine put forth its tendrils and grasp support as it climbs, that gives the maternal instinct to animal life, and endows man with reason and conscience with love and aspiration. . . ."

The late Senator John T. Morgan, of Alabama, writes as follows, in his introduction to an edition of De Tocqueville, published in 1900: "He (De Tocqueville) found that the American people, through their chosen representatives who were instructed by their wisdom and experience, and were

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supported by their virtues—cultivated, purified, and ennobled by self-reliance and the love of God—had matured in the excellent wisdom of their counsels, a new plan of Government, which embraced every security for their liberties and equal rights and privileges to all in the pursuit of happiness. . . . We have found them (American municipal Governments) in practice, the true protectors of the purity of the ballot.”

Senator John James Ingalls, also writing about De Tocqueville, in 1900, said: “The despotism of public opinion, the tyranny of majorities, the absence of intellectual freedom which seemed to him to degrade administration and bring statesmanship, learning, and literature to the level of the lowest, are no longer considered. The violence of party spirit has been mitigated, and the judgment of the wise is not subordinated to the prejudices of the ignorant.”

In an address delivered in Boston in 1913 by Professor Charles Prospero Fagnani, occurred the following passage: “You cannot separate God and Democracy . . . and you cannot separate Democracy from God. For, if we believe in Democracy we believe in God’s purpose, God’s ideal, and that is believing in God. . . . Humanity has never had a fair chance yet.”

In the discussion which followed Professor Fag-

nani's address, one of the audience asked him, "Are not beings created equal? Why, then, are they not born equal mentally?" To this the Professor replied, "They are, practically. . . ."

The most muddle-headed and rhapsodical reference to Democracy which has fallen under my eye in recent years is to be found in the *New York Medical Journal* of September 22, 1917. The issue contains an article on the causes of gout; and it might have been supposed that Democracy could be kept out of a discussion of the toxic properties of uric acid. Not at all! The writer of the article introduces his topic by saying, "Uric acid as the last word in the causation of gout . . . is tottering upon its throne"; and the editorial comment on the article, taking as its text the fact that causes other than uric acid appear to have their share in producing gout, declares that thus "Democracy is advancing in medical theory as well as in political practice."

From this kind of thing it is but a step to the Jeffersonian Microbocracy, and the American Federation of Toxins.

If the reader will give a moment's consideration to the foregoing quotations, if he will reflect that they are not the product of a children's essay-contest but the serious statements of educated men, if he will remember that they represent the kind

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of thing that serious people have been saying to the country for a hundred years, he will realize what a long way we are from appreciating the real nature of Democracy's problems.

CHAPTER IV

THERE is no reasonable ground for hoping that modern Governments will be able to find solutions for the extremely delicate and complex problems which they now face in the domain of internal administration—and for which people are, with ever-growing vehemence, demanding solutions—unless those who make Governments and those who dispense Government can reach an agreement as to certain fundamental matters which have hitherto attracted a very small share of the public attention.

The first and, in the opinion of many earnest students, the most important, is one which must, from its very nature, take precedence of all others. This question is whether the general assumption that the problems of popular Government can be solved through the instrumentality of education and other environmental influences is well founded; whether the moral and intellectual qualities which determine the character of all Government are not, in fact, dependent upon causes which are but slightly influenced by differences in environment such as can

be produced by the school, the home, the church, and so on.

It is obvious that unless and until this question is settled with some fair approach to certainty, no answer worth recording can be made to any important question arising out of the form and function of Government. With the object of starting a discussion of this topic I sent to the *Journal of Heredity* an article entitled "Democracy and the Accepted Facts of Heredity," which was printed in the issue for December, 1918. I reproduce the substance of it, with some amplification.

On the level plain of routine, where most of us pass our lives, intelligent men are agreed that in material affairs human progress is best served by expert knowledge and firm leadership, held by the few and by them employed to direct the energies of the mass. The recognition of this fact is, indeed, the regulating principle of commerce, of industry, and of agriculture. In the field of conduct the same principle is accepted—the rare man of high morality as the guide and inspiration of the common run of men. The priest does not poll his flock as to the sinfulness of murder, nor the captain his crew as to the vessel's course, nor the architect his workmen as to the span of the arch, nor the farmer his hands as to the rotation of his crops, nor the banker his clerks as to the placing of loans.

Yet the moment we enter the field of politics we are directed to reverse the whole course of reasoning which has been our counselor in the familiar round of duty, and to apply to the most complicated, the most technical, the most pressing problem ever presented to man's genius—the problem of modern Government—a method no one has ever applied to his simple personal affairs; the control of the expert by the inexpert.

Take a simple case. If I, a student of Government, attempt to advise two axmen as to the felling of a tree, the humor of the situation strikes them at once. But if they, the axmen, differ from me, the student of Government, as to the comparative merits of a tax-levy and a bond issue, of an appointive and an elective judiciary, of specific and *ad valorem* customs duties, no one's sense of humor intervenes to prevent the axmen making their view prevail at the next election.

The assumption in the former instance is, of course, that their judgment is better than mine; in the latter that mine is better than theirs. But whereas, in the former case their rightness and not their number is accepted as the proper determining cause of action, in the latter the issue is held to be properly decided by their number and not by my rightness.

A discrimination of this kind can be explained

only by the co-existence in the public mind of two fundamental conceptions: one, that axmen must be presumed to have had training and experience in the felling of trees, but that *any one* is competent to decide matters of governmental policy without having had either training or experience in the business of Government; the other, that Government should express the mere arbitrary will of the people, altogether apart from any consideration of whether that will, when made effective, is calculated to yield competent or incompetent Government.

So far as the United States is concerned the explanation of this phenomenon is simple. This Government was founded in a Revolution, and the political principles it established were the battle-cry of a people in arms to achieve their liberty. It is not unnatural, therefore, that those principles should have been impressed upon the spirit of succeeding generations rather by the arts of rhetoric than by the science of reasoning, that their lodgment should still be in the emotions and not in the intelligence of the people. From these circumstances it has arisen that for the great majority of Americans all questions relating to the principles and practice of their Government have been endowed, by the violence which attended their birth, with a sanctity which lends to all criticism of them the color of sacrilege.

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The situation is made worse by the fact that however seriously the principles and practice of American Government may have become estranged from the idea of Representative Republicanism which animated the fathers of the nation, it is usually sufficient, in face of the general ignorance of Constitutional history, to state that anything is in conformity with the original intention of those great men, to secure instant acceptance of the claim.

It is largely due to the constant pressure of this obsession, and because we give to the doctrine of man's "natural" rights a political as well as a humane interpretation, that we have fallen into a rhapsodical posture toward the democratic form of government. We have, in fact, come to regard Democracy as a magic elixir which, if we take enough of it, will transmute the base metal of human frailty into a shining amalgam of knowledge, wisdom, and unselfishness.

Translated into terms of political action this view gives us a quantitative instead of a qualitative foundation for authority in the State; and from this, two very serious consequences ensue—one that we attach more importance to the form than to the results of Government; the other, that when we can no longer blind ourselves to the unsatisfactory nature of the results, we refuse to draw the logical conclusion, and even to reconsider our political dog-

mas. We do not cry, "Give us less of numerical determinism in Government"; we cry, "Give us more of it."

This reaction is closely similar to that of the drug-fiend who, the worse his symptoms become, cries ever more vehemently for a larger allowance of his deadly potion.

It is this pathological worship of mere numbers which has inspired all the efforts—the Primary, the direct election of senators, the Initiative, the Referendum, and the Recall—to cure the evils of mob rule by increasing the size of the mob and by extending its powers. It is this strange adoration which has almost destroyed the principle of Representative Republicanism on which the institutions of the United States were established.

I use the word "mob" to describe a large number of persons, having no understanding of the functions of Government as a social agency, employing their numbers to determine matters in the domain of Government. A thousand window-cleaners are not a mob when they are occupied in cleaning windows; a thousand drivers of garbage carts are not a mob when they are driving their carts; but the one aggregate as well as the other is a mob when it votes on the highly technical question of the amendment of the Constitution of the State of New York, or when it registers its opinion as to whether the

United States should enter or keep out of the League of Nations.

Those who assume the responsibility of reconciling the facts of Democratic control with its theory adopt an expedient which places the whole issue beyond the reach of reason. They lay down the rule that Democracy must not be judged by its yesterday, or by its to-day, but by its to-morrow; and that so fast as to-morrows become yesterdays, even so fast must all adverse evidence be discredited as worthless. Just below the ever-receding horizon of time there lies, almost in sight of those who accept this rule, the pleasant land where education, dietetics, and a pat on the shoulder shall have made the majority of mankind into political units from which there can be built up a Government of benevolence, righteousness, and efficiency.

My strong dissent from this view of politics rests mainly upon four broad grounds:

I. That acquired characteristics are not inheritable.

II. That within the field of man's mental and moral traits there operate immutable laws analogous to those which are almost universally accepted by biologists for physical inheritance.

III. That assortive mating operates unremittingly to depress one end of the moral and intellectual scale and to elevate the other.

IV. That the individual and not the mass is, and always has been, the main source of human advancement. /

Now, these statements are either true or false.

✓ / Of the first three, biologists alone are competent to express an authoritative judgment / in my mouth they are no more than opinions. Subject, however, to what biologists may determine to be their value, it is clear that / if they are true the whole theory that efficiency in Government arises from or can be made to depend upon its Democratic quality falls to the ground. /

The non-inheritance of acquired traits deals a fatal blow to the common belief that education can give the offspring of educated parents a better natural endowment than that of the offspring of uneducated parents.

Our misconception of the function which education performs has, indeed, become embedded in our language, for we employ the word "education" in the sense of training or instruction, whereas its fundamental meaning is "bringing out." This distinction goes to the very root of the matter. Education *can* bring out that which is in a man; it *cannot* bring out that which is not there. It can impart facts to ignorance (ad-ducate, if there could be such a word); but it cannot make a dullard bright, or a fool sagacious. It is, of course, highly desirable

that each generation should be, as it were, dipped by the schools into the ocean of facts, even though, for most of us, the point of saturation is very quickly reached.

Government, however, does not derive its efficiency from a mere knowledge of facts, but from their intelligent interpretation; and the reason why education cannot have a cumulative effect upon Government is that intelligence cannot be taught and that knowledge cannot be inherited.

Few persons, I imagine, will refuse their assent to the statement that any political system, however perfect its mechanism, must be rendered wholly ineffective if its administration is entrusted to men of low intelligence. But it is a matter of common observation that intelligence is a quality native to some minds and foreign to others; that is to say that it is born in the brain, and cannot be imparted to it from without. Those who have it possess something which cannot be withheld or bestowed by the authority of a monarch or by the vote of an assembly.

I pass now to the question of assortive mating. Throughout all human society above the state of savagery the general habit is for like to mate with like—the rich with the rich, the poor with the poor, the intelligent with the intelligent, the dull with the dull, the successful with the successful. This habit

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exerts a powerful cumulative influence which is constantly widening the gulf which separates superior strains from inferior strains; and the lapse of time is, therefore, making talented families more talented, and forcing others further and further below the line of mediocrity. It appears then that mankind is not breeding toward an average, but toward two extremes.

I pass finally to what history teaches us of the importance of greatness in the individual. The question resolves itself actually into the choice between a qualitative and a quantitative theory of causation in human achievement.

To whatever phase of human development we turn, history fails to furnish a single instance in which an accomplished step in human progress can be referred, ultimately, to any cause other than the quality of greatness in the individual. It is this quality which has given the world all that has ennobled man's character, elevated his culture, and extended his mastery over the material elements of life. It is to the genius of a few hundred individuals among the thousands of millions who have lived that we owe all the inspiration of religion, of philosophy, of music, of art, of literature; all the benefactions of science, of discovery, of invention.

The foregoing statements produced, as I had hoped they would, a good deal of discussion. I may

refer particularly to four articles which appeared in the *Journal of Heredity*. These were written, respectively, by Professor Edwin G. Conklin, by Professor O. F. Cook and Mr. Robert Carter Cook, by Mr. Madison Grant, and by Mr. Prescott F. Hall. The first and second are by men whose professional work has made them specially familiar with biology, the third and fourth are by men who, from similar causes, are specially familiar with affairs.

The biologists endorsed the greater part of my biological statements, whilst strongly dissenting from my application of them; and the men of affairs endorsed the greater part of my statements about Government. The satisfaction with which I contemplate this situation may be measured by considering the position I would have been in if the principal support for my views on Government had come from the biologists, and for my views on biology from the men of affairs; though I do not suggest, of course, that a biologist may not have studied Government to good purpose, or a man of affairs biology.

Before taking up those points on which the discussion disclosed marked differences of opinion, it is advisable to refer to one on which there seemed to be substantial agreement, namely, the extremely unsatisfactory state of American Democracy after

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nearly a century and a half of free operation of the American institutions of Government, in circumstances more favorable than those under which any popular Government has ever functioned.

In the article by Professor O. F. Cook and Mr. Robert Carter Cook occur the following passages:—

"Not too much power in the hands of the people, but too little of active, constructive interest in problems of general welfare, even among intelligent citizens, is the most serious danger in popular Government. People think of Government much as they think of an insurance company. They pay their tax assessments passively and assume that a mysterious system will attend properly to the public work. Our theories are Democratic, but many of our habits are still feudal or monarchic. We are far enough from monarchy to think of the Government as responsible to the people, yet not far enough for people to think of themselves as responsible for Government."

"That useful talents may appear in 'lower levels of society,' as Professor Conklin points out, may mean that our system fails to place good stocks under favorable conditions, or that our judgment of conditions is at fault. The need is to give special ability or usefulness a selective value, to preserve and increase the family stock, but our system works

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generally in the opposite direction of using up and exterminating talent as rapidly as possible. Thus there are biological problems that need to be studied from the standpoint of politics, as well as questions of Government that need biological answers."

Mr. Madison Grant says: "In every branch of human activity, except Government, we demand a certain amount of expert or technical knowledge, but apparently anybody is good enough to represent the public in a board of aldermen, a state assembly, or even in the Federal Congress. There is no attempt made to require experience, knowledge, or even a very high degree of personal character—and least of all does it seem to be of great importance, even for those who fill the highest positions in the nation, to possess long traditions of Americanism, without which no man can adequately represent the Republic.

"It is pathetic to note that in our American Democracy the electorate having once accepted the theory that any man is qualified for office without 'distinction of race, creed, or color,' we proceed to limit and check the power of our chosen representatives by all manner of regulations, statutes, and constitutions.

"In America the melting pot is an absolute failure. Immigrant races retain just what they brought with them, and some are good and some are bad.

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This is well-nigh universally admitted in private, but in public it is most unpopular to hesitate to bend the knee to the great god, Demos.

"Our vaunted freedom of speech and of press in America probably is less observed than anywhere else among civilized men."

Mr. Prescott F. Hall says: "Fortunately, the population of the United States at that time (the time of the War of Independence) consisted of picked specimens of the Nordic race, selected by the perils of voyaging hither and of exploiting a new country. These people had sense enough to entrust the management of their affairs to the most capable among them; so that, for some sixty or seventy years the Government, although Democratic in form, was aristocratic in fact. At the present time this is no longer true. Respect for intelligence and ability have so far disappeared that it is almost impossible for a strong and able man of independent views to be elected to high office. To get into office, a man must now play the demagogue.

"The result is a lowering both of ideals and of execution. The popular opinion of the masses must be consulted at every step. Amiel says: 'The stupidity of the Demos is equaled only by its presumption. It is an adolescent who has power but cannot attain reason. . . /Democracy rests on the legal fiction that the majority has not only power

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but reason, that it possesses wisdom as well as legal rights. . . . The masses will always be below the average . . . and Democracy will end up in the absurdity of leaving the decision of the most important questions to those most incapable. This is the penalty for its abstract principle of equality . . . / which ignores the inequality of valor, of merit of experience, in other words, of individual effort.' ”

In his reply to my article (summarized on former pages), Professor Conklin referred me to an article from his pen which appeared in the April, 1919, issue of *Scribner's Magazine*. I quote from it his description of present-day Democracy in this country:

“Our lack of specialization is reflected in our contempt for specialists and experts of every sort. The belief is widespread that one man's opinion is as good as another's and that expert knowledge is merely another way of fooling the people. We entrust education to those who can find no other occupation, apparently with the idea that any one can teach. We leave the control of food, fuel, clothing, and other necessities of life to speculators and middlemen, and the health, happiness, and employment of the people to Providence or to selfish exploiters. In a Democracy where ‘every citizen is a king’ we assume that statesmanship comes by nature; almost every citizen thinks that he could solve

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complex problems of Government ranging all the way from international relations to parochial affairs better than those who have devoted years of study to them. We elect demagogues and grafters to political office so frequently that the very name 'politician' has come to be a reproach. We send narrow partisans to Congress, and by stupid adherence to party regularity men wholly untrained in statesmanship are frequently put into the most important public places. It is generally assumed that appointive positions will go to men who have been successful in winning votes, and positions requiring great technical knowledge are often filled by political figureheads, with the suggestion that subordinates can do the work."

After reading the foregoing description of American Democracy, as it appeared to Professor Conklin's *observation* in April, 1919, it was not without astonishment that I read his *judgment* of American Democracy, as expressed, also in April, 1919, in the *Journal of Heredity*, where he concludes his reply to me with these words:—

"After all the merits of any system of Government should be measured by its actual results on society as a whole, over long periods of time, and measured in this way Democracy has no cause as yet to be fearful of the results."

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If the results to date of American Democracy, as Professor Conklin describes them, are no cause for fear, it is not easy to imagine upon what kind of results a just apprehension might be founded.

It was when my critics, my supporters, and myself proceeded to account for those evils in American political life which we united in deploring that we separated into two camps, one affirming that the causes lay fundamentally in the operation of biological law, the other that they did not—the negative position being taken by the biologists.

✓ The real issue, when stripped of all dialectical trappings, is whether good Government (however it may be defined) depends ultimately upon good human qualities or upon good political machinery. If it depends chiefly upon the former, all discussions of Government must be founded in biology; if upon the latter, they must center around constitutional law and political technique. ✓

My own view is that since Government forms are merely the instruments through which men administer their public affairs, the essence of Government is to be sought not in the shape of the instrument, still less in its name, but in the character of those who employ it.

Viewed from this standpoint the distinguishing mark of modern speculations on Government ap-

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pears to be a constant effort to find in political machinery a substitute for human character, and a persistent determination to attribute all failure in popular Government to any cause rather than to the widespread distribution of stupidity and corruption in man.

It is a most curious circumstance that Professor Conklin, Professor Cook, and Mr. Robert Carter Cook should describe the present state of Democracy in terms which imply a widespread distribution of stupidity and corruption in man, should agree that mental and moral traits, such as stupidity and corruption, are chiefly derived from heredity, should agree that acquired characteristics such as may result from secular education and from religious training, cannot be transmitted through heredity, and should also agree that there is no essential connection between biological law and the amount of stupidity and corruption in Democratic Government.

What is not less curious is that none of the dissentients from my hypothesis—that in a Democracy the character of the Government depends chiefly upon the character of the people, and that the character of the people is determined by biological laws—states, in his reply to me, by what other causes, in his opinion, the quality of Government is, in fact, determined. Indeed, so far as these gentlemen do assign causes for bad Government, and they say

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very little on this point, they assign causes which are actually of a biological nature. /

For instance, Professor Conklin says: "Many faults of democracies are not so much results of the form of Government as of the condition and character of the people." But surely character is a biological factor.

Again: "A Democracy no less than an autocracy is a Government by leaders, but in the former case these leaders are chosen by the people and are responsible to them and in the latter they are not. . . ." But surely, whether the leader be good or bad, whether he be elected by the people or appointed by a king, the qualities of his leadership are not conferred upon him by his appointment or election, but are derived from his mental and moral characteristics; and those, as most biologists, including Professor Conklin, agree, are derived chiefly from the operation of heredity; which brings us back again to biological causation.

Professor Cook and Mr. Robert Carter Cook complain that we do not give special ability and usefulness a selective value, and that our tendency is to restrict ourselves further and further toward mediocrity and inferiority. But mediocrity and inferiority are admittedly derived chiefly from heredity; and the fact that ability and usefulness are not given a selective value under our Democratic sys-

tem can only be due to the ignorance and stupidity of the mediocre and inferior majority which exercises control by force of its numbers.

A logical consideration of these truths should, it seems to me, have led their authors to a conclusion closely similar to that which I stated in the article upon which they offer their comment, namely, that the majority of people being mediocre or inferior, it is unreasonable to expect that majority to provide a government which will not be mediocre or inferior. But so far from reaching any such conclusion, they describe my inferences as being reactionary and archaic; and, having themselves stated that we are exterminating talent as rapidly as possible, and are breeding further and further toward mediocrity and inferiority, they reprove me for not "looking forward to a world of capable, right-minded people. . . ."

Now, as a matter of fact, my firm hope, though hardly my confident expectation, is that we may some day see a world in which capable and right-minded people shall exercise a much greater power in Government than they now do. This hope is founded on the opinion that the two extremes of capacity and incapacity, of right-mindedness and wrong-mindedness, are, through the operation of assortive mating, becoming more distinctly separated from each other in the social scale, and that the more

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clearly this becomes evident the greater will become the possibility that, from the sheer instinct of self-preservation, the Democratic nations will be driven to give special ability and usefulness a survival value in their political systems.

This brings me to the discussion of the only purely biological point on which my critics and myself are not in agreement—the effects of assortive mating.

I was careful to say, when introducing this subject, that it was a matter upon which biologists alone were competent to express an authoritative opinion; but as Professor Conklin has called upon me to produce the evidence upon which I founded my tentative view, I am glad to furnish it.

My statement was justified, it seemed to me, by the result of two measurements of the social distribution of genius and talent in the United Kingdom. The first was made by Havelock Ellis; the second, which is in continuation of the first, by Dr. Frederick Adams Woods.* The material worked over in each case was furnished by the "Dictionary of National Biography," and by the successive supplements of that work.

What these investigations disclose is that over a

* Dr. Woods's figures have not been published. The reader will find in his "Influence of Monarchs" (Macmillan, 1915), pp. 295-303, an interesting discussion of the process of class-differentiation through assortive mating, property accumulation, and heredity.

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period of several centuries there has occurred a striking and progressive decline in the cultural contribution from the "lower" classes in the United Kingdom, and, of course, a corresponding relative increase in the contribution from the "upper" and "middle" classes.

It appears that, from the earliest times to the end of the nineteenth century, the contribution to eminent achievement made by the sons of craftsmen, artisans, and unskilled laborers yielded 11.7 per cent of the total number of names utilized in the inquiry; that the representatives of that class who were born in the first quarter of the nineteenth century yielded 7.2 per cent of the names; and that those born during the second quarter of the nineteenth century yielded only 4.2 per cent. These figures are of great interest and importance when considered in relation to the social and political history of England during the nineteenth century.

Everybody knows that in England the nineteenth century witnessed a rapid and all-pervading democratization of social and political conditions. It was during that century that the English parliamentary system became, for the first time in the six hundred years of its existence, an institution representative of the great mass of the people; that schooling was made available for all; that in industry, in politics, in society, the gates of opportunity were opened wide

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for any person, of whatever parentage, who could make any contribution in any field of achievement; that peers became business men and business men peers; that any scientist, any scholar, any painter, sculptor, musician, poet, novelist, actor, dramatist, engineer, shipbuilder, architect, surgeon, physician, lawyer, merchant, or banker, whose talents had made him prominent in his calling, could entertain a reasonable hope of finding wealth in the favor of the public, and a title of nobility in the appreciation of the political leaders.

In England in the nineteenth century, then, there were to be observed, in a measure never before attained in any age in any country, the conditions which give every man a chance, according to the qualities of his mind and temperament. If social opportunity was less free than in the United States, political opportunity was very much greater. The proof of this is accessible to any one who cares to compare the number of occupations represented in the House of Commons with the number represented in the House of Representatives.

With every circumstance of life growing constantly more favorable to the self-assertion of genius and talent in the "lower" classes in England, how was it that the contributions to eminent achievement from that group fell from an average of 11.7 per cent of the total to a proportion of 4.2 per cent?

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It seems to me that as the vast improvement in environmental conditions had not only failed to produce an increase in high achievement by those whom this improvement had done most to serve, but had, on the contrary, taken place *pari passu* with a very serious decline in achievement, the cause must be sought in an influence powerful enough to offset whatever beneficent effects improved environment might actually exert upon a stationary class during a single generation.

This influence I deem to have been that of assortive mating. Its operation appears to have been of a dual character. On the one hand, the effect in heredity of intelligence mating with intelligence, of stupidity with stupidity, of success with success—to put the matter roughly—has been to perpetuate and to increase these traits in the respective groups. On the other hand, the practical social consequences of these effects being produced under conditions of an ever-broadening democratization of social life has been that the more intelligent and successful elements in the “lower” classes have been constantly rising out of their class into one socially above it. This movement must have the consequence of draining the “lower” classes of talent and genius, and, through a process of social migration, of increasing the genius and talent of each succeeding upper layer in the social series.

Now, if assortive mating really occurs as an inevitable product of social propinquity—and this can hardly be a matter of dispute—and if democratic opportunity does actually enable a family to move upwards in the social scale, those who refuse to accept the clear inference to be drawn from these facts are placed in a curious dilemma.

If they admit the existence of assortive mating, as an ordinary everyday occurrence, they must, it seems to me, either deny the part played by heredity in determining the character of offspring, or renounce the view that democratic conditions have any tendency to provide rewards for intelligence and penalties for stupidity. If such rewards and penalties are in fact apportioned, there must of necessity exist a constant upward and downward genetic pressure tending to produce an increasing difference between the two ends of the social spectrum. If such rewards and penalties are not among the consequences which flow from the application of democratic principles to the structure of society, then, so far from Democracy presenting to every man a better chance in life, according to the better quality of his actions, it must have the effect of placing a premium on inefficiency and a handicap on competency. /

Thus far, this discussion of the human equation in politics has tended to show that the ultimate

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factors which determine the character of Government are to be sought in the operation of the law of gametic transmission of characteristics, and not in the possible effects of social organization.

As the theory of environmental determinism is unquestionably entertained by the overwhelming majority of civilized adults, and since, in consequence, it is to this theory that most of our social and political institutions are adjusted, it is necessary to examine it with some care.

CHAPTER V

THE hypothesis that heredity plays a much more important part than environment in determining the mental and moral qualities of the individual is violently repugnant to the emotions by which the opinions of so large a proportion of humanity are affected. It is "natural" that most people should offer firm and indignant resistance to a theory which relegates to comparative unimportance all the influences actually at their immediate disposal—those of the home, of the church, and of the school—and which places their temporal hopes and ambitions at the mercy of pre-natal forces over which they have no control. That they could, in fact, exert such control, through a science of eugenics, does not affect the validity of this statement, for there is no popular understanding of the possibilities of eugenics.

The issue as it appears to almost every one who considers it takes a simple form: Can the affection, the care, the guidance, the education, the training given to a human being determine the character, the ability, and the action of that human being?

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That the overwhelming majority of people would answer this question in the affirmative, and that this almost universal affirmative has had the most profound effect upon our social and political institutions, there can be no doubt.

It cannot be said that the question has been answered definitely even by those who have made a special study of it; but so far as it has been the subject of scientific investigation the facts appear to show that the popular estimate of the influence of environment is grossly exaggerated; that heredity does, in fact, exert the dominating influence. Now, since government is set up by men, since it is applied by men, since it is to men that it is applied, the question of whether men are what they are when they enter the world, or are what we make them after they have entered it has an importance greater than that of any other issue in the domain of Government, because it is from the settlement of this issue that all other issues must take their character.

I propose to examine this issue—not as a biologist, or as a sociologist, or as a psychologist, for I am none of these—but as a student of Government, who feels that it is the imperative duty of the specialists in these three fields to thrash out this issue, so that there may be a fixed point from which we may take our departure upon the urgent task of

adjusting Government to the needs of our day and generation.

For the facts used in the following examination I am, of course, indebted to others, whose work I have freely quoted, and to whom I make my acknowledgments whenever I refer to the results of their researches. What I have attempted to do is to define the heredity-environment issue, and to present, in untechnical language so far as possible, the present status of fact and of opinion on one side and on the other.

That environment plays some part in the determination of the individual human character and, therefore, of individual conduct is, of course, admitted even by the most convinced hereditarians. Indeed, it would be wholly unreasonable to deny to environment an influence which can, under an extreme supposition of circumstance, be shown to be absolutely determinative as against any other influence whatever.

If, for instance, the man who wrote "Hamlet" had, within a month of his birth, been shipwrecked upon a remote island and had passed the rest of his life completely cut off from all communication with the outside world, he could never have written that immortal tragedy. So far as the writing of "Hamlet" is concerned, it is clear that the genius which

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made possible the authorship of that play would have availed nothing whatever toward bringing the play into existence, if the circumstances I have suggested had interposed their influence in the way I have described. As addressed to this point, the actual writing of "Hamlet," it is obvious that in my supposititious case environment would have represented a determinative influence equal to one hundred per cent.

If we reverse the situation and assume that an idiot member of some savage African tribe is taken, shortly after birth, to the intellectual center of the world, and is brought in contact with great men, with great events, with great books, he could not write "Hamlet." In such circumstances the prenatal endowment of the man would represent one hundred per cent of the determining influence, and the influence of environment absolutely nothing.

When, therefore, we are enquiring into the question of the relative strength of heredity and of environment in the determination of human qualities it is, of course, understood that each has an influence, and that the force of heredity will be to some extent affected by environment and that of environment by heredity. The real matter at issue is which of these two influences is dominant, or, to put it in another form, if a man has good heredity and is subjected to poor environmental influences will

he do better or worse in life than a man with poor heredity and good environmental influences?

These questions present the following problems, which I define in the rough form in which they present themselves to the lay mind:

If the environmental influences are dominant in producing mental and moral differences between one man and another, how is it that knaves and fools are found among those whose environment has been of the best, and men of high character and ability among those whose environment has been of the worst?

If the influence of heredity is dominant in producing the mental and moral differences between one man and another, how is it that fools and knaves are born of wise and good parents, and wise men and good men of parents who are knaves and fools?

To whatever extent environmental influences do affect the mental and moral differences between one man and another, are these differences, as thus affected, transmissible to the offspring?

An excellent summary of the scientific problems upon the solution of which the answers to these questions depend is given in the first three chapters of "Applied Eugenics" by Paul Popenoe and Roswell Hill Johnson (The Macmillan Company, 1920). From this work I take the following brief statement of the broad conclusions reached by the authors on

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the comparative influence of Nature (the hereditary influence) and Nurture (the environmental influence).

"If success in life—the kind of success that is due to great mental and moral superiority—is due to the opportunities a man has, then it ought to be pretty evenly distributed among all persons who have had favorable opportunities, provided a large enough number of persons be taken to allow the laws of probability full play. England affords a good field to investigate this point, because Oxford and Cambridge turn out most of the eminent men of the country, or at least have done so until recently. If nothing more is necessary to insure a youth's success than to give him a first class education and the chance to associate with superior people, then the prizes of life ought to be pretty evenly distributed among the graduates of the two universities, during a period of a century or two.

"This is not the case. When we look at the history of England, as Galton did nearly half a century ago, we find success in life to an unexpected degree a family affair. The distinguished father is likely to have a distinguished son, while the son of two 'nobodies' has a very small chance of being distinguished. To cite one concrete case, Galton found that the son of a distinguished judge had about one chance in four of becoming himself distinguished,

while the son of a man picked out at random from the population had about one chance in 4,000 of becoming similarly distinguished."

If the English figures are advanced as proving conclusively that heredity is a much greater influence than environment, the objection may be raised that in England society is so organized that children born in certain social classes and of certain "historic" families are afforded infinitely greater opportunities in life than fall to the lot of the average child, and that success is due more to these superior opportunities than it is to the superior qualities of the individual born into the select class. Popenoe and Johnson meet this objection as follows:—

"Transfer the enquiry to America, and it becomes even more conclusive, for this is supposed to be the country of equal opportunities, where it is a popular tradition that every boy has a chance to become president. Success may be in some degree a family affair in caste-ridden England; is it possible that the past history of the United States should show the same state of affairs?

"Galton found that about half of the great men of England had distinguished close relatives. If the great men of America have fewer distinguished close relatives, environment will be able to make out a plausible case: it will be evident that in this continent of boundless opportunities the boy with ambi-

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tion and energy gets to the top, and that this ambition and energy do not depend on the kind of family he comes from.

"Frederick Adams Woods has made precisely this investigation. ('Heredity and the Hall of Fame.' *Popular Science Monthly*, May, 1913.) The first step was to find out how many eminent men there are in American history. Biographical dictionaries list about 3,500, and this number provides a sufficiently unbiased standard from which to work. Now, Dr. Woods says, if we suppose the average person to have as many as twenty close relatives—as near as an uncle or a grandson—then computation shows that only one person in 500 in the United States has a chance to be a near relative of one of the 3,500 eminent men—provided it is purely a matter of chance. As a fact, the 3,500 eminent men listed by the biographical dictionaries are related to each other not as one in 500 but as one in five. If the more celebrated men alone be considered, it is found that the percentage increases so that about one in three of them has a close relative who is also distinguished. This ratio increases to more than one in two when the families of the forty-six Americans in the Hall of Fame are made the basis of study. If all the eminent relations of those in the Hall of Fame are counted, they average more than one apiece. Therefore, they are from five hundred

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to a thousand times as much related to distinguished people as the ordinary mortal is.

"To look at it from another point of view, something like 1 per cent of the population of the country is as likely to produce a man of genius as is all the rest of the population put together,—the other 99 per cent."

To the foregoing I may add what appears to be a significant illustration of the comparative insufficiency of environmental influence to account for the great differences in achievement between one man and another. In terms of environment, the opportunity to become a great physicist was open to every one of the thousands of university students who were the contemporaries of Lord Kelvin; the opportunity to become a great musician has been open to all the pupils in all the conservatories of music which have flourished since Johann Sebastian Bach was a choir-boy at Lüneburg; the opportunity to become a multimillionaire has been open to every clerk who has wielded a pen since John D. Rockefeller was a bookkeeper in a Cleveland store; the opportunity to become a great merchant has been open to every boy who has attended an American public school since the time when John Wanamaker, at fourteen years of age, was an errand boy in a Philadelphia book store.

The heredity-environment issue can only be set-

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tled by statistical methods, since the method of experimental breeding is not available. If we could get together records showing the mental and moral qualities, the environmental influences, and the mental and moral characteristics of the ancestry of a large number of people we should have before us the material upon which an actual mathematical determination of the respective influences of heredity and environment could be based. But an inquiry of this kind presents very serious difficulties. It is, of course, a comparatively easy undertaking to collect data for a single generation, because we can find thousands of persons with parents still living, and in regard to whom we could secure accounts of the environmental influences and of the mental and moral characteristics of the parents as well as of themselves. But since qualities are derived in part from the parental germ-plasm, in part from the grandparental, in part from the great-grandparental, and so on, we cannot establish a series of correlations between the qualities of a living person and those of his ancestry unless we have character-records of at least three generations, that is to say, of the two parents, of the four grandparents, and of the eight great-grandparents.

Now there are few men or women who could tell you even the maiden names of both of their grandmothers, and the number of people who could tell

you the maiden names of their four great-grandmothers is so small that it could not be made visible on a scale representing the population of even a small town. Yet it is from these four women that half the hereditary influence transmitted from the third generation has been derived. In regard to the vast majority of people, half of the third-generation influence is, therefore, entirely beyond the reach of the investigator. This, however, is only one phase of the problem. If we go back only as far as the grandparents of the present adult population of the United States—that is to say, roughly, to a group of men and women born between 1825 and 1850—and if we assume that each of these adults knows the maiden name of each of his grandmothers, we would then have six people (two parents and four grandparents) whose characters, if we knew them, would afford the material for measuring the hereditary influence exerted by two generations of forebears upon the character of a grandchild.

But in regard to the four grandparents, what chance is there that any record of their characters has been preserved? If the child is an Adams, or a Lowell, or a Winthrop, or a Lee, or a Cabot, or a Livingston, or an Appleton, you will find good material about part of the ancestry in the biographical dictionaries, in the histories, in encyclopedias,

and in memoirs. The total amount of material about *all* persons bearing one of these names would, however, be small in relation to the total number of individuals, even in regard to selected families.

There was one way out of the difficulties presented above, that was to find a group of people now living in regard to which there was available a long record of mating, and a voluminous record of character. There is only one such group, the royal families of Europe; and in relation to this group the questions under discussion were investigated with great care, and on a scientific method, by Dr. Frederick Adams Woods, Lecturer in Biology at the Massachusetts Institute of Technology. The results were published in 1906 in a volume entitled "Mental and Moral Heredity in Royalty." I have followed very closely for the past fourteen years the comment on Dr. Woods's book, and I have seen nothing which can be regarded as a successful assault upon any of his major positions, and much from distinguished biological authorities in support of the soundness of his general conclusions.

These conclusions I proceed to summarize, but I must refer the reader to the book itself for an account of the investigation from which they are derived.

Dr. Woods thus explains the nature of his investigation:—"This inquiry into the characteristics of

royalty is an attempt to solve several interesting and important questions. First, by including all modern royal families, it tries to give a fair estimate of the mental and moral status of these privileged persons as compared to the world in general. Second, it seeks to find the influences on the individual and on the breed of that environment of rank and power in which these specially elect have lived and moved. Third, by taking a great group of interrelated human beings with known pedigrees and characteristics, it seeks to throw a little light, in the nature of facts, on the old enigma—Which is the more important, environment or heredity, or do both together somewhat fail to explain all the phenomena, and must we postulate a third ultranatural cause, working aside from biological laws, in order to account for all the varying facts of personal history and character?

“It is evident that each human being has certain definite mental, and moral, and physical characteristics, and that these are due to not more than three causes, heredity, environment, and free-will. The first two are generally considered to play an important part, and the third is far from being ignored by some. It is also very evident that there is but one hundred per cent of cause for human character, and whatever in our natures is due to one of these causes takes that much from the others. It is the

chief aim of these pages, by the use of a scientific method, to get an insight, rough though it may be, into the proportionate influence played by these three factors in the make-up of mental and moral life."

The investigation is based upon the examination of the lineage and character of 3,312 persons, all of blood relationship to royalty, and as every person answering to such a description, about whom anything could be found in the historical record, has been included, there has been no selection of special individuals for the purpose of illustrating any preconceived theory. Of the total number of persons it was found that there were six hundred and seventy-one about whom sufficient material was available to allow them to be graded in a category for intellect and in a category for moral qualities. In each category Dr. Woods employed ten grades, grade one being the lowest.

Of Dr. Woods's results I am concerned here only with those which relate to the comparative importance of heredity and environment in the determination of human character, though other matters of great importance emerged from his inquiry.

According to Galton's Law of Ancestral Heredity, applied to *physical* traits, such as color, stature, etc., the resemblance between parent and offspring is assigned a theoretic value of $R = .3000$; Woods's

figures for *mental* qualities gave him a coefficient of correlation between parent and child of .3007, and for *moral* qualities of .2983. Galton's theory calls for a correlation between offspring and grandparent expressed by the coefficient $R = .150$; Woods's figures for grandparents gave him a coefficient of $R = .161$ for *mental* qualities, and of $R = .175$ for *moral* qualities.

Allowing for probable error in Woods's figures his observed results of matings in royal families give figures for mental and moral heredity remarkably close to those called for by the theory of physical inheritance.

Woods's final conclusion in regard to mental qualities is that heredity explains at least ninety per cent of intellectual differences in practically every instance, and that environment is a totally inadequate explanation.

"It is more difficult," he says, "to analyze moral than mental qualities, and it is more difficult to arrange them in an impersonal grading. But the results obtained speak no less clearly and unequivocally for heredity as the major cause; though no one supposes that moral education and training are without *some* effect on the formation of character. That these outward circumstances have as much influence as is commonly supposed, or as much as predetermined and congenital causes, are, however,

conclusions from which we are forced to dissent. . . . I think that we can conclude . . . that in each individual, inheritance plays, in the formation of morality, a force greater than 50 per cent.

I pass now to two matters of vital concern to the theories of the environmental determinists—the direct effect which environment may produce where the hereditary influence is the same; and the possibility that if, and to whatever extent, characteristics are acquired from the environment, these acquired characteristics are transmitted to offspring.

On the first of these points Dr. Woods says:—“Among plants and the lower forms of animals, especially the invertebrates, many experiments have shown the remarkable changes which may be directly induced by changes in the outward conditions of life. These are in general the more striking the lower we go in the scale of organic evolution, so that it may well be that in the highest attributes, namely mental and moral, we can expect the least results from outward forces.”

On the second point he says: “Whether characteristics acquired from the influence of the environment are inherited or not, no one pretends that they are so inherited more than in a very slight degree. Hence, if all the variations which we have observed among children of the same parents are due, not to differences in the germ-cells (the writer claims

they are due to differences in the germ-cells), but are principally the result of surroundings, as is assumed by some psychologists and educators, then these differences observed among children of the same parents should not be clearly manifest in the various branches which subsequently arise from these children who vary much one from the other. . . . The only other way of accounting for the fact that variations among the children of the same parents subsequently breed true to the different stems which arise from these children, is to assume that acquired characteristics are strongly inherited. As no one supposes that mental traits acquired from the environment *are* strongly inherited, we are forced to the conclusion that the original variations themselves are not acquired from the environment, but are congenital. It will not do to say that environment has an exceedingly important effect upon the individual, although not greatly inherited. These two views, if coupled, will not hold together and explain the facts. If we renounce the inheritance of acquired characteristics, and at the same time consider the individual himself to be almost entirely the result of congenital causes, these two views *will* hold together and sufficiently explain the facts."

Four years after the above words were written, Dr. Woods published the results of an investigation

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made by him into the relative importance of heredity and environment in the determination of human character. The article may be found in *The Popular Science Monthly* for April, 1910, under the title of "Laws of Diminishing Environmental Influence."

"To distinguish," he says, "between the relative importance of heredity and environment is not a mere academic question, but a practical one to be answered separately for each biological unit and always with an eye to comparative and proportionate influence. To say that both forces are important is to voice a platitude. To say that they are of equal importance is, in my opinion, to express a falsehood. To say that we cannot unravel their interrelations is to turn our back, in a weak-minded way, upon a question of far-reaching consequence. The disputes and confusions which have so long entangled the question I believe to be due to the failure to see certain practical, or common sense aspects—the failure to distinguish between environments which are greatly changed and those which are only slightly altered, between those from which escape is impossible and those from which such escape is comparatively easy; the failure to distinguish between environments which are expected and those which are not, and, lastly, perhaps most important of all, the failure to distinguish between effects on higher and on lower types and tissues."

The investigation made by Dr. Woods extended to plants, to the low metazoa, to mollusks, to crustaceans, to insects, to fishes, to amphibians, to reptiles, to birds, and finally to mammals.

I will refer to his conclusions only in so far as they concern man. These relate to physical, mental, and moral traits; and Woods quotes a number of researches whose object was to differentiate between the relative influence of heredity and environment. He first summarizes his own investigation into the mental and moral traits of royal personages. ". . . for various reasons," he says, "the individuals have developed under the greatest variety of good and bad influences as regards the atmosphere of their home life, their educational advantages, and opportunities for distinction. Besides, they have lived in different countries and in different eras. Yet in spite of the fact that the environments show wide variations, these appear to be negligible factors in the production of successful achievement or in the creation of virtuous or vicious types. That successful achievement is almost entirely due to differences in germ-plasm and is little influenced by environment is the necessary conclusion from the complete analysis of two separate groups of royalty."

He then refers to a research made by E. L. Thorndike on the origin of mental differences among children attending the public schools of the city of

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New York. As Thorndike's investigation was based on the study of twins, the hereditary influence for each pair would be the same, quantitatively, and as between pair and pair would be different, qualitatively. Thorndike says:—“(1) The results of precise measurements of fifty pairs of twins from 9 to 15 years old in eight physical and six mental traits and (2) their bearing upon the comparative importance of heredity and environment as causes of human differences in intellectual achievement. They will be found to give well-nigh conclusive evidence that the mental likenesses found in the case of twins and the differences found in the case of non-fraternal pairs, when the individuals belong to the same age, locality, and educational system, are due, to at least nine-tenths of their amount, to original nature. . . . It shows such likenesses and differences in environment as act upon children living in New York City and attending its public schools are utterly inadequate to explain the likenesses and differences found in the traits measured, and are in all probability inadequate to explain more than a small fraction of them.”

The next investigation quoted by Woods is one conducted in 1909 by Karl Pearson and Amy Barrington into the inheritance of vision and the relative influence of heredity and environment on sight. In a memoir on this subject the authors say: “As

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far as the admittedly slender data of this first study reach, there is: (1) no evidence whatever that overcrowded, poverty-stricken homes, or physically ill-conditioned or immoral parentages are *markedly* detrimental to the children's eye-sight. (2) No sufficient or definite evidence that school environment has a detrimental effect on the eye-sight of the children."

Finally, Dr. Woods refers to a volume by Ethel M. Elderton on "The Relative Strength of Nurture and Nature," in which the author analyzes the Pearson-Barrington study of the eyesight of children, her own study on "The Influence of Parental Occupation and Habit on the Welfare of the Offspring," and Heron's "Influence of Home Environment and Defective Physique on the Intelligence of School Children." Elderton says of her studies that they "show clearly the small influence of environment"; and writes: "The whole subject of the influence of environment, owing to its complexity, is a fascinating one, partly because we are only just beginning to apply modern statistical methods to this side of eugenics, and the results we obtain are often very unexpected, perhaps we may say wholly contrary to current belief."

Upon this statement Woods makes the following comment: "That they are contrary to current belief I do not deny, but to say that they are un-

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expected shows little grasp of the whole biological question of modification or knowledge of results of earlier workers. . . . All the evidence that we possess renders it highly improbable that any of the ordinary differences in human environment, such as riches or poverty, good or bad home life, have more than a very slight effect in modifying those complex and high organic functions the improvement of which is the hope of the altruist and the reformer. Not only do the collected facts indicate as much, but the reasons for the same are not difficult to understand if we consider the laws of diminishing environmental control."

Woods then proceeds to summarize these laws. "Each organism," he says, "whether high or low in the scale of evolution, has from the time of conception and beginning of cell-division and segmentation onward through embryonic and post-embryonic life an *expected* environment. In other words, it *expects* to develop and live under conditions which are essentially similar to those which surrounded its immediate ancestors at each stage of *their* career.

"If the expected environment is altered, then the modification which will accrue will in general diminish.

"(1) In proportion as the change from the expected is less and less in amount. This will follow as a matter of course Its only interest for us

lies in the fact that most alterations in surroundings that are brought to bear upon human beings are probably not very great in actual differences. They are at least not great in comparison with the experiments of the botanist and zoölogist.

"(2) Environmental influence diminishes with the increased phylogenetic rank. [Phylogenetic means, based upon ancestry, as opposed to ontogenetic, based on the life-history of the individual. A. I.]

"(3) Environmental influence diminishes with the evolutionary rank of the tissue affected.

"(4) Environmental influence diminishes in proportion to the age of the tissue affected. Artificial modification then appears to be easiest upon tissues that are either young or simple, or in a condition of cell subdivision and growth. It must be remembered that the brain-cells, even of a child, are, of all tissues, farthest removed from any of these primordial states. The cells of the brain ceased subdivision long before birth. Therefore, *a priori*, we must expect relatively little modification of brain function.

"(5) Environmental influence diminishes with the organism's power of choice. This may be the chief reason why human beings, who of all creatures have the greatest power to choose the surroundings congenial to their special needs and natures, are so little affected by outward conditions. The occasional able,

ambitious and determined member of an obscure or degenerate family *can* get free from his uncongenial associates. So can the weak or lazy or vicious (even if a black sheep from the finest fold) easily find his natural haunts."

Referring to the status of any generation, Woods summarizes his final conclusions by saying that "Experimentally and statistically there is not a grain of proof that ordinarily environment can alter the *salient mental and moral traits* in any measurable degree from what they were predetermined to be through innate influences."

I have quoted at great length from Dr. Woods's writings because they include not only the results of his own long and careful investigations, but also those of other investigators in the same field. If his conclusions are unsound it is not for me, a layman in biology, to adduce evidence against his views. This duty devolves upon the professional biologists; and, so far as my own reading goes, general biological opinion appears to support his hypotheses. My task has been to present a simple and intelligible case in favor of the theory that heredity plays a vastly greater part than environment in the determination of differences in human characteristics, physical, mental, and moral.

I will now give a brief account of the environmentalist view of the problem.

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The most distinguished proponent of environmental determinism was the great French naturalist, Jean Baptiste Lamarck (1744-1829). In his "Natural History of the Invertebrates," published in 1815, Lamarck laid down four laws which, in his judgment, determined form and function in animal life. Of these, the third and fourth alone concern the present discussion. At the time I write I have not before me Lamarck's volume, but I give these laws as they appear, in quotation marks, in the *Encyclopedia Britannica*:

"3. The development of organs and their force of action are constantly in ratio to the employment of these organs."

"4. All which has been acquired, laid down, or changed in the organization of individuals in the course of their life is conserved by generation and transmitted to the new individuals which proceed from those which have undergone those changes."

We have here a clear declaration that form and function in animal life are determined directly by environmental influences, and that characteristics acquired from the environment are transmitted by inheritance.

It is to be noted that Lamarck wrote the words I have quoted nearly half a century before Darwin furnished, in his theory of natural selection, that explanation of the phenomena of structural and

functional differences which is almost universally accepted to-day by specialists in the natural sciences. The Lamarckian theory finds its chief support, therefore, amongst sociologists, not amongst specialists in the natural sciences; but even amongst the sociologists the amount of this support is dwindling.

During the past few years a very interesting discussion of the Lamarckian theory has been published in various books and periodicals, based upon the views of Mr. C. L. Redfield, a Chicago engineer. Mr. Redfield's view is that "Educating the grandfather helps to make the grandson a superior person. . . . We are, in our inheritance, exactly what our ancestors made us by the work they performed before reproducing. Whether our descendants are to be better or worse than we are will depend upon the amount and kind of work we do before we produce them."

Redfield's theory is discussed at great length by Professor M. H. Fischer, of the University of Cincinnati, in No. 22 of the *Unpopular Review* (April-June, 1919); and as his article is strongly favorable to Redfield's views, and as it is from the pen of a man of standing in the world of biological science, I feel that I can be doing no injustice to the theory if I draw my account of it from Professor Fischer's discussion.

After referring to the unsatisfactory nature of the results produced by attempting to correlate form with function, Professor Fischer extols the system of the functional classification of characters. "In this is stressed not the weight or shape of an organ or organism, but its ability to do work. It becomes now, not the brown or blue of an eye, but its ability to see; not the weight of brain substance, but its power to think; not the shape of a limb, but its power to yield quantity or speed or accuracy of motion."

Viewed from this standpoint, what is the real question at issue in regard to acquired character, and to its hereditary transmission? Professor Fischer clears the ground for the examination of these issues by quoting and discussing the following definition of an *acquired* character, advanced by Redfield: "If you look into your dictionaries you will see that *to acquire* means to obtain by *your own* effort. A mutilation is, therefore, not an acquirement. When the tails of mice are amputated the acquirement is in the muscles of the amputator, not in the tails of the mice." Fischer continues: "Here is dealt the Brutus stab at Weismann's heart; for his tailless-mice argument (together with some high priori assumptions regarding germ cells) is the foundation of his and his followers' biological philosophy. . . . Our quotation [from Redfield] still holds the

environment important in the biological drama—how very important we shall see later—but it no longer remains the purely external thing which, willy-nilly, compels change in the individual, but one which makes the individual a partner in the affair, and this in proportion to his reaction to that environment. This revised point of view makes valueless, so far as any importance for the problem of the inheritance of acquired characters is concerned, all the numberless experiments in which plants or animals have been mutilated (by nature, by war or by laboratory experiment), poisoned, or grown under abnormal circumstances in order to see if the offspring would not reproduce the physical stigmata which had been inflicted upon the parents. Regularly such stigmata have *not* been reproduced. But these experiments of man or nature do not prove, as is so often claimed, that acquired characteristics are not inherited. They only prove that mutilations enforced by accident or design are not inherited. The error is not in the response of nature but in the foolish reasoning of man which labels as *acquired* a character which has only been *inflicted* upon an unresponsive recipient. Is there at hand any evidence of the existence of any 'new' character, as thus defined in terms of function, in either animal or plant strains, which was not present in earlier generations, and, if so, how was it 'acquired'? Or, given such a truly ac-

quired character, can it be transmitted to another generation?"

It is to the discovery of such evidence that Redfield has devoted much painstaking research. His attention was attracted to the subject many years ago through his interest in horses, and especially in trotting horses. He noted that in 1818 the trotting record was held by Boston Blue, which made the mile in exactly three minutes; that year by year this record was reduced; and that in 1912 Uhlan captured it by making the mile in the phenomenal time of one minute and fifty-eight seconds.

The problem which Redfield attacked was that of accounting for this great increase of speed in trotting horses. Was it due to the special creation, *de novo*, of a faster horse, or was it due to the emergence in a particular horse of a latent speed-capacity which is dormant in all horses? If the first of these alternatives were accepted we should have a reason for, but not an explanation of, trotting speed; the second alternative presents an opportunity for discussion.

If we begin by admitting, as everybody must admit, that better training will, for any given horse, produce higher speed than poor training or no training will yield, we have then to account for the well-known fact that under closely similar training conditions horses which are full brothers or sisters

give wholly different speed records. Redfield's explanation of this phenomenon is that horses used for racing are comparatively rarely used for breeding, and that horses used for breeding are comparatively rarely raced, and that it is the quality of speed acquired by actual racing which is passed on to the progeny of raced horses. In support of this opinion Redfield produces a great deal of statistical material drawn from the history of horse-racing and from the records of horse-breeding.

Summarized, Redfield's conclusion is that there is a marked difference between the quality of horses foaled during or soon after a prolonged period of hard work on the track by the sire and that of horses foaled before such work has been performed. If this is true, as a matter of accurate observation, Redfield asserts that the fact is accounted for by the inheritance in the foal of that quality which was developed by the hard work of the parent.

I may quote some of the evidence used in Fischer's article. Two hundred sons of Almont were used for breeding purposes. Of these ten per cent were raced while ninety per cent were kept at home. As the successful sires of racing stock the raced sons outranked the unraced as sixteen to one. Belmont, another horse, lived half of his twenty-five years in hard training and exercise, and half in

idleness. His best sons were born during his period of activity, and of these sons, the best two were born at its height, and within two years of each other. The transition from the father of performers to the father of mediocrities was coincident with his change from work to idleness. From a study of the history of six horses, which were the fathers of several thousands of immediate offspring and of several tens of thousands of grandchildren it was found that three thousand of the progeny fell in the performer class. Half of these, and practically all of the best ones, came from less than one hundred sons and the same number of daughters of the original six, and they were all born at a time when the sires were in the best state of active development.

From such evidence and from much more of a similar character drawn from the study of cows and dogs, Redfield decides that acquired physical traits are transmitted by inheritance. Does the same rule apply to mental traits in man?

Redfield's argument on this point is addressed to proving that the age of the father at the time of a child's birth has a direct and important influence upon the qualities of the child. The analogy he suggests is that as physical traits acquired through the exercise of physical faculties by the parent can be transmitted to offspring, so also can mental traits

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acquired through the exercise of the mental faculties.

A presupposition in favor of this theory would be created if it could be shown that eminent persons were born later in the life of their fathers than were persons of less distinguished abilities. Redfield produces a good deal of evidence which, he believes, proves this to be the case.

A study of New England families shows that the average age of fathers and mothers at the time of birth of their children is about thirty-three years. A study of 571 men, selected for their eminence, indicated that the average time between the birth of the father and the birth of the son was 40.7 years instead of the New England figure of 33 years. Fischer points out that, on the basis of Redfield's data, if the probability of being eminent when born of a father between thirty-five and forty is taken as unity, the probability if born when the father is twenty-five is less than one-fifth as great, and that, ascending the age scale, the probability at fifty to fifty-five is five times that at thirty-five to forty; and over sixty, it is over ten times that.

Fischer's general observations on the significance of Redfield's theory are as follows:—

“What now are some of the practical truths to be deduced from all these facts? There has been, first of all, much unfortunate effort by the proponents

of the separate theories to make the Lamarckian principle and that of Mendelian inheritance * mutually exclusive. The two views can, without compromise, go hand in hand; and for the thinker in biological and human problems, it is only necessary in any specific instance to see to it that proper weight is given to each of the two elements, and to keep clearly in mind what each idea, if put to work, can accomplish. The old saying has it that 'heredity is something which a father should never forget, and a son never remember.' In plainer terms, a parent should take stock of the articles of his Mendelian inheritance, and, when good, see to it that they go on in undiminished or increased vigor to his children. If of the fortunately endowed of this earth, and married to such another, he could, as a pure Mendelian, merely lie back and feel secure that quality will reappear in his children. But if he is a Lamarckian, he knows that eternal vigilance is required in addition. A too happy satisfaction in having been born biologically rich, breeds complacency; of complacency, self-satisfaction; and, of self-satisfaction, ruin. Conversely, a decision that he is nothing, the determination that he will strive and strive mightily and *then* beget his children, may

* In this connection Mendelism is sufficiently defined as an inheritance theory according to which characteristics acquired from environment are *not* transmitted to offspring, and Lamarckism as one according to which they *are* transmitted.

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mean in the new generation the start of the superman.

"And here it is that there enters the gospel of hope. I confess that ardently as I have pleaded, and still hold, that due consideration be given the Mendelian Law, conversely depressing has seemed to me the corollary that cursed are forever the lowly of physique, of mind and of soul. I would not now too lightly give support to the soft hand of sentimentality, in its protection of the submerged and largely useless lowermost human fraction. I set no such stock by it as do industrial chiefs with their eternal cry for cheap (and feeble-minded) labor. But for those who stand above this, in the middle ground, the philosophy and the practice which reward effort with new and better characters, and which shows the way of transmitting these superior characters to an oncoming generation, is full of the better cheer. Though the family of our neighbor may begin with the advantage of richer ground, ours may, through better effort, equal and excel his."

In the above paragraph Fischer employs in two places a terminology which clouds the point at issue. He says that "proper" weight should be given to each of the two elements, heredity and environment; and that "due" consideration should be given the Mendelian law. But it is clear that the whole matter hinges upon a quantitative evaluation of

"proper" and "due." No one would advise a reader to give "improper" weight to each of the two elements, or to give "undue" consideration to the Mendelian law. Employed as Professor Fischer employs them, the words "proper" and "due" have no meaning whatever.

It is a curious instance of the extent to which the heredity-environment problem is complicated by the strong emotional appeal made by the environmentalist argument that Professor Fischer, writing as a scientist, should have referred to one corollary as "depressing" to him, and to the other as being "full of the better cheer." These phrases were surely employed inadvertently, for Professor Fischer knows, quite as well as everybody else, that the soundness of the Mendelian law or of Redfield's application of Lamarckism has nothing to do with whether either of them is cheering or depressing.

Redfield's views are discussed by Popenoe and Johnson in the work to which I have already referred, and by Raymond Pearl in the *Journal of Heredity* for June, 1915. Each of these discussions expresses strong dissent from Redfield's opinions. Raymond Pearl, Biologist of the Agricultural Experiment Station at Orono, Maine, says: "There are few pages of the book (Redfield's "Dynamic Evolution") which do not contain some statement, put in the form of a positive, dogmatic assertion,

which either has no foundation in fact whatever because the subject has never been investigated, or is contrary to well-known data in the literature of biology. . . . Like all pseudo-science, Mr. Redfield's is a conglomerate mixture of the true, the false, and the unknown."

Popenoe and Johnson, though not quite so severe as Pearl, are equally positive that Redfield has not proved his case. They say: "Mr. Redfield's whole conception of the increase of intelligence with increase of age in a parent shows a disregard of the facts of psychology. As E. A. Doll has pointed out (*Journal of Education*, Feb. 1, 1917) in criticizing Mr. Redfield's recent and extreme claim that feeble-mindedness is the product of early marriage, it is incorrect to speak of 20-, 30-, or 40-year standards of intelligence; for recent researches in measurement of mental development indicate that the heritable standard of intelligence of adults increases very little beyond the age of approximately 16 years. A person 40 years old has an additional *experience* of a quarter of a century, and so has a larger mental content, but his intelligence is still nearly at the 16-year level. . . . To suppose that a father can, by study, raise his innate level of intelligence and transmit it at the new level to his son, is a naïve idea which finds no warrant in the known facts of mental development."

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Although they are convinced that Redfield is wholly mistaken in the interpretation he places upon the facts he has been at so much pains to collect, Popenoe and Johnson agree that these facts deserve careful study; and it is this attitude toward all *facts* which is the distinguishing mark of the true scientist.

Mr. Redfield, who deserves the credit which rightly belongs to every one who is an earnest pursuer of truth, has not showed himself to be very sensible of the motives by which his critics have been guided. In an article printed in the *Western Medical Times* for October, 1918, Redfield refers to Raymond Pearl's criticisms as "flat falsehood designed to deceive the public and to sling mud at me"; and says: "There are several persons besides Pearl who have planted themselves in the roadway and seem determined to prevent this information from getting to the public no matter how many falsehoods it may be necessary to utter or how much mud it may be necessary to sling."

Every one, Raymond Pearl included, will always be grateful to Mr. Redfield for every fact which his labors unearth; but Redfield's interpretation of his facts can be of no value until it has been subjected to the most severe test of dissent; and it is from such a test that every theory secures its opportunity to establish its soundness.

To sum up: There is no doubt that at the pres-

ent time the opinion of those best qualified to form a judgment is that a man's mental and moral qualities, as well as the effectiveness with which he will employ them, are chiefly determined by causes which operate before he is born; and that the influences to which he is subjected after birth play a subordinate part in determining the quality of his actions through life.

The position we are now in is this: Political agency enters into the determination of every question which arises in regard to our social, industrial, and economic life; we assign to practically every adult citizen an equal share of power in giving political agency its general and its special character; but we have not yet determined upon what elements depend the qualities of these units of equal political power.

It is clear, however, that until we distinguish these elements and assign to them some priority in order and in importance, our efforts to improve the quality of citizenship, and thus the quality of political agency are foredoomed to failure, for unity of purpose cannot be made effective where there is diversity of understanding.

Every controllable influence which can elevate or degrade the quality of citizenship is derived from one of two sources—from the inheritance with which one enters life, or from the experience one encoun-

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ters in it. Those who believe that it is to the latter source that character and conduct are to be traced must accept the responsibility for the world as it is, for our present state is the consequence of acting upon that view.

✓ If it is indeed through environmental influence that men are made what they are, what answer will the environmentalists make to the charge that they have done so little to improve the lot of mankind, having at their disposal an agency which they believe to be all-powerful and which, in fact, is comparatively easy to apply?

Those who take the opposite view—that men are what they are chiefly because their progenitors were what they were—have not, as yet, secured popular recognition of the importance of their investigations or of the practical uses to which some of their conclusions might be put. But signs are not wanting that the prevailing resistance to a biological interpretation of social phenomena is weakening, and that the science of Eugenics—which employs the data of biology and of sociology—will soon be given the important place it deserves among what I may call the authoritative sciences.

CHAPTER VI

THE foregoing discussion of the influences which make men what they are leads naturally to a discussion of the influences which make governments what they are; and there has never been a time when a brief and frank statement of the broad elements of political determinism has been more urgently needed than it is at this moment.

There is to be observed in almost every country in the world, by no means excepting the United States, serious dissatisfaction with the general conditions of society and of politics; and this discontent is asserting itself in a hundred forms whilst governments are called upon to face internal problems of unprecedented complexity and magnitude. Of these it is sufficient to mention the high cost of living, the low state of production, and the conflict between organized labor and the unorganized social majority for the real control of the State.

Nor can these problems be regarded as phenomena of the War's aftermath; all that the War has done in relation to them is to hasten the pace with

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which during the past twenty years they have been advancing toward the critical stage. Before the outbreak of the War it had already become apparent to a very large proportion of the world's intelligence that Democracy had failed to find a satisfactory solution for any of the fundamental issues of industry, of education, of business morality, of social welfare.

There was a time when people were supposed to solve these problems for themselves; and at that time, as long as the Government gave the people a reasonably efficient protection for their lives and property, and maintained impartial courts of law for the settlement of their more serious disputes, most men left Government alone, and expected Government to leave them alone. Those were the days when, in the United States, Liberty was prized above all other boons, when, for the sake of Liberty, men were willing to forego many social advantages which only a regulative restriction of Liberty could provide. The spirit of the time interpreted Liberty in the sense expressed by one of England's most distinguished Liberal statesmen, Sir William Harcourt. Speaking at Oxford, in 1873, he said: "Liberty does not consist in making others do what you think right. The difference between a free Government and a Government which is not free is principally this—that a Government which is not free inter-

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feres with everything it can, and a free Government interferes with nothing except what it must. A despotic Government tries to make everybody do what it wishes, a Liberal Government tries, so far as the safety of society will permit, to allow everybody to do what he wishes."

In the United States, for perhaps the first half-century of the life of the Republic, Liberty and Justice went hand in hand; and they produced, as they always have produced and always will produce, great inequalities of fortune. The general character of society was one of firm individualism; men succeeded or failed on their personal qualities; and the theory, now so popular, was then unborn, that a man's success depends chiefly upon what good luck or the efforts of others accomplish for him, and that a man's failure is not to be set down to his own defects but to the failure of society to give him a chance. In those days no man could have earned popular applause, as it has been earned in this day, by inventing the phrase "Guilt is personal"; to that generation everything was personal, and above all things, success was personal and failure was personal.

So long as the country remained predominately agricultural in its production the penalty of individual failure was not severe. Where land was plen-

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tiful and labor scarce, or at least very rarely in oversupply, employment of one sort or another was available for practically every one who sought it, and there was little real distress among the population. The circumstances were such that the unemployed were easily identified and were held in deserved contempt.

But it was inevitable that these conditions should change as the country was developed. Gradually manufactures grew up, and there occurred in the United States during the second half of the nineteenth century what had occurred in England during the first half, a marked increase in the urban population. In 1850 there was in the United States only one city with more than 200,000 inhabitants, and there were only eleven with more than 50,000. In 1900 there were twenty-one cities with more than 200,000 inhabitants, and seventy-nine with more than 50,000.

The growth of the urban population exerted a powerful influence over the character of the Government. In the earlier days of the Republic the range of Government activity had been extremely limited; few tasks were undertaken by it of which the voters could not understand the object or appreciate the expediency, or for the performance of which the possession of ordinary common sense did

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not suffice. Government, one may say, was on the administrative side 99 per cent common sense, and 1 per cent technique.

In the small country communities nearly every child grew to manhood or womanhood whilst sharing with its elders the daily tasks of the farm or of the village. There was work to be done alone, and work to be done in company with others, and by the time a youth reached voting age he was familiar with the practical details of domestic economy, and with the simple functions of the Government, so far as they affected him. What was even more important was that in regard to the five simple elements of living—housing, food, heat, light, and clothing—he usually took some part in providing them. There was thus forced upon his attention every day the fact that what others could do for him he could do for himself, and that what he could do for himself others were not expected to do for him. Behind all this was the extremely favorable condition that the proportion of property owners and their prospective heirs to propertyless wage-earners was very high.

The average American during the first half-century of the national life was, especially in the more populous northern and eastern States, a practical, self-reliant individual, hard-headed, and perhaps, rather hard-hearted, but very much his own man.

His relation to Government was determined by two considerations, one that, generally speaking, he knew the men he voted for, the other that, since it was not until the time of Andrew Jackson that any one had thought of adding to the other recognized functions of Government that of providing offices for its friends, politics had not yet been classified among the gainful occupations.

It is in such circumstances and among such a people that Representative Republicanism yields results which entitle it to all the praise which has been bestowed upon it. There is no doubt that down to as late as 1825 it had given the country what the Representative system, rightly understood, is intended to give a country, and what, rightly applied, it will give it—an aristocratic Government, a Government by the best. Where it had been least successful in doing this (in the States of New York and Pennsylvania) was where the growth of large towns had already begun to produce those political changes which were to go so far and were destined, if we regard things and not the names of things, to destroy Representative Republicanism so far as it is a living principle of Government and not a mere institutional form.

With the development of the manufacturing industries, and the consequent growth of the urban population, several important new influences began

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to make themselves felt in American Government. As the number and size of the towns increased so did the proportion of urban voters to the rural voters, and from this, as time passed, several serious consequences ensued. The average voter in a large town brings into politics a mentality utterly different from that of the country voter. It is the mind of the propertyless wage-earner, of the clerk, of the shop assistant, of the day laborer, of a man herded with other men and profoundly affected by the herd-instinct, of a man of weak individuality, of a man who spends his working hours doing things for other people and his leisure hours in having things done for him by other people, of a man whose life is passed in surroundings entirely created by machinery and in circumstances where his free-will is perpetually constrained by the contagion of an artificial environment, of a man who knows (or at any rate of whom it is known) that if he drops dead while at his work he can, in normal times, be replaced in an hour by another man who will do just as well. His whole existence is passed in the feverish occupations of earning his wages and of spending them. He is hardly ever brought into contact with the origins of things. To him a house is something produced by a real-estate agent, food something taken from a counter or emptied out of a can, heat something which he hopes to get by opening the

valve of a radiator, light something which appears in a glass bulb in one part of a room when he presses a button in another part of it. Of the processes by which these things, and all others which supply his needs, are produced he is entirely ignorant. He is incapable, therefore, of realizing, as the countryman is always compelled to realize, the inescapable mesh of causation in which he is entangled. For the countryman there are the sowing and the reaping, the work in the wood-lot and the winter's supply of fuel, the care of stock and the income from their sale. If the countryman will have the one he must do the other. He is always face to face with reality, because, in relation to the actual problem of living, he must know what is to be done, must be able to do it, and must be willing, if necessary, to do it himself. No one who has had occasion to observe closely town life and country life in the United States can have failed to be impressed by the self-helpfulness of the countryman and the self-helplessness of the townsman. It is true that the countryman has little understanding of the real elements of the townsman's problems, and that the townsman has little understanding of the countryman's; but, these things being equal, what distinguishes the countryman from the townsman in his relation to politics is that the former does understand his own, comparatively simple problems, and that the latter

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does not, and in the nature of things cannot, understand the extremely complicated and difficult problems of a city community.

Another circumstance which separates the rural from the urban citizen, and which has an important bearing upon Government, is that the countryman can, without aid from Government, supply himself with all the absolute necessities of life, and that the townsman, even with all the aid that Government can afford him, cannot supply himself with one of them. If the town-dwellers all went on strike, the countryman would have to get along without new supplies of alarm clocks, sewing machines, enamelware, and agricultural implements; if the countrymen went on strike the town-dweller would have to get along without new supplies of bread, meat, milk, and vegetables.

From the standpoint of Government, then, there are really two nations from which Government springs and to which it is administered, not a nation of rich and a nation of poor, as the distinction has sometimes been made, but a rural nation, which requires very little from Government, receives very little from it, and pays very little for it; and an urban nation which makes upon Government the most stupendous demands, endows Government with an enormous revenue, and gets from Government an altogether inadequate return.

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No discussion of the causes which make governments what they are can neglect to take account of this distinction. Some of the most serious difficulties which governments now face are due to the employment on every political occasion of the undifferentiated term "The People" to describe a citizenry, so split up by diversity of interest that as between the country-nation and the city-nation there are very few measures of public legislation which, if they appear clearly desirable to the one do not appear clearly undesirable to the other.

The balance of political power in the United States undoubtedly rests with the city-nation. It is true that in the national Senate the country-nation is over-represented, because the agricultural and mining states, some of them with populations smaller than that of a large city, have equal representation with the densely populated manufacturing States—two Senators from Utah with its population of half a million, two Senators from New York with its population of eleven millions. In some States, notably in New York, where a very large proportion of the population is concentrated in one or in a few large cities, the country vote carries more than its due share of influence over legislation. But these conditions are more than offset by the immense pressure which the cities are able to exert both in National and in State Government.

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This pressure flows through many channels, some above ground, some below. It is in the cities that the control of all the country's money and credit is concentrated, that the higher executive staffs of all the country's great industrial and commercial corporations are assembled, that organized labor maintains its headquarters, that the newspapers and magazines are published, that political and other conventions are held, that the party machines arrange their plans. To whatever extent it is true that "Behind the ostensible Government sits enthroned an invisible Government owing no allegiance and acknowledging no responsibility to the people," an "unholy alliance between corrupt business and corrupt politics," * the throne-room of this invisible government, the seat of this alliance, is in the cities.

I have referred to the difference in the demands made on Government by the country-nation and by the city-nation. It may be summed up briefly by saying that what the country-nation has demanded has been chiefly in the nature of rights, and that what the city-nation has demanded has been chiefly in the nature of services. What distinguishes one set of these demands from the other is that the satisfaction of the former calls for little more than the exercise of an enlightened policy, and that that of

* National Platform of the Progressive Party, 1912.

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the latter requires in addition the employment of an extremely expert administrative technique.

What the country-nation demands from Government is that it should be protected against exploitation by the railroads, by the banks, and by the grain-elevator interests. So far as these demands have not been satisfied it has not been due to any intrinsic difficulty in the problem, but to resistance on the part of the interests concerned, that is to say on the part of city-owned interests in close touch with legislatures.

The demands of the city-nation partake, of course, in a certain measure of the nature of a plea for rights, but this element in them is completely overshadowed by the urgency of the specific requirement of services. The city-nation may be restive under the increase of prices, under temporary crises of unemployment or of labor scarcity, under restrictions regulative of its social habits. These matters, however, are all, except in extreme and unusual circumstances, questions of more or of less, of hoping for a change, of awaiting the results of investigation, of giving the politicians another chance to redeem their promises, of getting used to things. But behind all this is the irreducible minimum of what Government *must* assure to the city-nation if it is not to face, sooner or later, revolt or revolution—food, housing, transportation, light, and heat.

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It is in regard to these fundamental necessities that the incapacity of Government has year by year been more forcibly impressed upon the city-nation. Incapacity in such matters can go very far before the point is reached where by going a little further the actual existence of Government is threatened; but, as this point is gradually approached, the growing discontent is garnered by those—always numerous in large cities—whose aim is to overthrow the Government and to reconstitute the State in another form.

Now, in relation to the fundamental demands which the city-nation makes on Government the past decade has furnished the city-nation, in constantly increasing abundance, valid evidence that its life lies at the mercy of a power which Government is incapable of controlling, the power of organized labor. The delicately articulated system which supplies the needs of the city-nation is from time to time, and at constantly shortening intervals, thrown into disorder by strikes which have their origin in disputes to which the city population as a whole is not a party. The alarm which these recurrent episodes create amongst those who are the chief sufferers from them is not mitigated by the reflection that none of them has as yet starved a city to death or frozen it to death. On the contrary the fact that such a catastrophe has been averted only by a suc-

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cession of panicky surrenders to the claims of organized labor is forcing the city-nation to realize that it is between the deep-sea of enslaving concession and the devil of suicidal resistance.

So far as the responsibility of Government is concerned for what has, in fact, become a desperate situation, the issue in regard to the justice or injustice of labor's demands is only one phase.

The responsibility of Government is not toward labor or toward capital, it is toward the community. At the root of its failure is its refusal to face with courage and frankness an extremely important and extremely disagreeable task—that of drawing a dead-line beyond which it will not permit the continuous wrangle between capital and labor to go on in its disruption of the whole fabric of society. This is a very grave issue, and one which cannot be settled without causing a great deal of bitter resentment, even to the point of resistance to the authority of the Government. But to leave the matter unsettled, because of its gravity, is to court an issue of much greater gravity, one involving much more serious possibilities to the State.

The politician's attempt to conduct Government on the dual principle of gratifying those whom you cannot deceive, and of deceiving those whom you cannot gratify, has reached its term. What Government in the United States is now faced with is the

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refusal of the people—and especially of the city people, who are most hardly pressed and are in the most helpless position—to renew the promissory notes which the politicians have been delivering to them for so many years. That these notes have been inscribed with what are, in effect, promises that the battle shall go to the weak and the race to the slow, proves only that the principal asset of the politician is the credulity of the people. But a time comes when credulity itself becomes incredulous, the day when postponement has rotted the last grain of nourishment with which hope is wont to feed expectation.

Events within the past few years bear witness to the fact that we are in the dawn of such a day. The rapid spread of Socialism and of Syndicalism at one end of the political front, and of violations of the Constitutional guaranties at the other, the lavish bribes with which Government has purchased a precarious peace with labor, because it is well organized and well led, the hollow pretense of an imminent relief for its distress, with which the tame majority of citizens has had to content itself, because it is unorganized and leaderless—these are unmistakable signs that a serious crisis is at hand.

If the foregoing portrayal of the broad features of the situation appears to the reader to be painted from too dark a palette and with too coarse a brush,

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I beg him to ponder the following extract from a brochure issued by the National Association for Constitutional Government, of which the President is the Hon. David Jayne Hill, ex-Ambassador to Germany, ex-Assistant Secretary of State, and a Member of the Permanent Administrative Council of The Hague Tribunal:—

“Are you aware that there is an active organization, claiming the support of more than two million adherents, having for its purpose the ‘Gateway Amendment’ of the Constitution of the United States?

“Do you realize what it would mean to destroy the fundamental law and its guaranties by a majority merely of votes cast through the initiative and referendum?

“Can you contemplate without alarm what it would mean if the proposal of a United States Senator should be adopted that any judge who pronounced any act of legislation ‘unconstitutional’ should *ipso facto* be compelled to vacate his office?

“Would you have any faith in a ‘due process of law,’ if a judge were subject to ‘recall’ by the influence of a faction like that which uses its political power to exempt convicted murderers from punishment?

“Are you aware that the Prussian bureaucratic system of government is rapidly replacing in this

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country the 'just and equal laws' of our fathers?

"Do you realize that organized societies now existing in this country with principles that have created anarchy in Russia might together hold a numerical balance of power in a presidential election?

"Have you observed that prominent men seeking election to high office in this country do not hesitate to cast doubt on the importance and validity of so-called 'property rights' as distinguished from 'political rights'?

"Are you aware that men now holding office deprecate the authority of the Constitution they have solemnly sworn to defend?"

I may bring to the support of the forebodings which these questions imply a quotation from another source. President Nicholas Murray Butler in one of his very practical and stimulating books on Government in the United States * writes as follows: "To put the matter bluntly, there is under way in the United States at the present time a definite and determined movement to change our representative republic into a socialistic democracy. That attempt, carried on by men of conviction, men of patriotism, as they conceive patriotism, is the most impressive political factor in our public life to-day. In my judgment it transcends all possible

* *Why Should We Change Our Form of Government?* Charles Scribner's Sons, 1912.

differences between the historic parties; it takes precedence of all problems of a business, a financial, or an economic character, however pressing; for it strikes at the very root of the government of the United States and at the principles upon which that government rests." From the context it is clear that these words are addressed not to the Socialist party but to the advocates of the initiative and the referendum, whose aim is the impossible one of making a workable compromise between Representative Republicanism and Direct Democracy. Of the Socialist aims and of their relation to the present system of Government, President Butler gives his general view in a succinct and forcible passage. "As an aspiration," he says, in the work from which I have just quoted, "socialism is in large measure commendable, though vague. As a political program it asks us to take the ship of state out on to a fathomless sea without chart or compass in a perpetual fog. If every elected and appointed officer of an American commonwealth were tomorrow to declare himself an adherent of the socialist program, neither he nor all his colleagues together could do one single thing to substitute the collectivist's state for our representative democracy, save through revolution and the subversion of the constitutional principles on which our civilization and our government rest. It is worth while remembering this fundamental fact.

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There is no possible way in which a socialistic state can be developed out of our representative American democracy."

Broadly speaking, the growing discontent with Government is of two distinct kinds. Each has its origin, of course, in dissatisfaction with the results of Government, but one is formulated in a purpose to change the fundamental principles on which Government rests, the other in a purpose to change the methods by which Government is conducted; the former is essentially a protest by the city-nation, and its demands are embodied in the Socialist program, the latter is a protest by the country-nation, and its conception of the best remedy for its grievances is the destruction of the representative principle in Government and the resort to the direct rule of the people.

It would carry me too far afield from my present object if I were to embark upon a discussion of Socialism. But the word "Socialism"—in common with most political terms, such as government, colony, state, republic, democracy, the people, the will of the people, and so on—means one thing to one person, and something quite different to another; and I may, therefore, explain that when I speak of Socialism I do not refer to that moderate wing which is the neighbor of the social reformers, but of that extreme wing which is the neighbor of the

Bolshevists; I do not speak of those who advocate the public ownership and operation of public utilities, old-age pensions, and unemployment insurance, but of those who advocate the total overthrow of the so-called capitalist system and the erection in its place of a State based upon a social and not upon a political organization.

Threatened on its front by the Socialists and by those who lie beyond the extreme left of Socialism, and on its flank by the Direct Democrats, Representative Republicanism appears to be almost wholly unconscious of an attack which has been going on for many years in the rear of its position. This assault has taken the form of a slow and insidious undermining of the representative principle in American Government. It is hardly too much to say that the representative principle has already disappeared from American political practice, and that all that remains of it is the mechanism through which it used to function.

The official machinery of politics remains to the eye substantially what it was a hundred years ago—an arrangement by which voters elected legislators*—but to the reason its appearance is entirely changed, because its product is no longer representatives, but delegates.

* The change to the direct election of Senators has, of course, enlarged the political area in which the principle of popular election operates.

In view of the complete opposition which exists between the conception of Government by delegation and that of Government by representation, it is remarkable that the change from the one to the other which has undoubtedly occurred in the United States should have attracted so little attention, even among serious writers on Government. I cannot profess to be acquainted with more than a small proportion of what has been written on Government during the past twenty years; but I have read a good deal on that subject, and in what I have read I have not found anywhere a thorough, much less an exhaustive discussion of the difference between delegation and representation in Government. Yet the difference between these two principles is the measure of the practical difference between Pure Democracy and Representative Republicanism.

The distinguishing feature of Pure Democracy is that the mass of the people declare their will, and that that will is the law. The authority to execute this will is delegated to officials who have no discretionary power; they *are* the will of the majority in its executive form. That the people should actually assemble in one place at one time so that the majority-will may be determined *coram populo* is not the fundamental characteristic of Pure Democracy; that basic principle is that the people determine directly what they want done and that those to whom

the executive power is delegated have nothing to do with determining what ought to be done.

In modern times the assembling of the people is accomplished through the ballot, and the precise point where the separation between representation and delegation takes place is when the successful candidate takes his seat in the legislature. He is an elected representative; what does he "represent"? Does he represent that portion of the people which elected him? Does he represent the general interest of his electoral district? Does he represent, on behalf of his district, the general interest of the larger unit of which his district is a small part—the interest of the State, of the Nation? Does he represent the interest of his party? Does he represent the interest of that small section of his party which controls the party machine? If he represents one or several of these interests, what is the nature of his representative function?

Each of these questions is of great importance; but it is from the answer to the last one alone that we can determine whether the legislator is, in fact, a representative or a delegate.

For the purpose of making the point at issue as clear as possible, I will assume, for the moment, that the legislator represents that portion of the people which elected him. What, then, is his relation to his electors? If he is to go to the legislature and

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vote as his electors instruct him, from time to time, as legislative proposals come to the vote, he is not a representative; he is a delegate. If this theory of his duty is allowed to prevail, the system is not one of Representative Republicanism, but of Pure Democracy. It is true that after election day the electors do not assemble in one place and publicly instruct their delegate; but they visit him, write to him, telegraph to him, telephone to him, or send a deputation to him; and these processes constitute assemblage and instruction, for all practical purposes.

The difference between this system and that of true representation is stated with admirable precision by Madison, in No. X of *The Federalist*. After describing Pure Democracy as a system in which the citizens assemble and undertake the Government in person, and a Republic as one in which the scheme of representation exists, he makes very clear the crucial distinction between the two plans. The effect of the latter form of procedure is "to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations." And a few lines fur-

ther on he describes the representatives as "guardians of the public weal."

The meaning of this is unmistakable. There are two ways of gathering the opinion which is to be translated into legislation; one is to gather it directly from the people, the other to gather it from the elected guardians of the public weal, who will take the rough and narrow view of the general public, refine and enlarge it, and, by bringing their wisdom to bear upon it, will make it conform to the true interest of the country instead of to what a less wise and less informed body of people may deem that interest to be. The true function of the representative is, therefore, not to represent in the legislature the opinions of his electors on public affairs, but in the legislature to represent his electors in the matter of forming and in acting upon opinions on public affairs. In other words what the ballot is intended for is not to give the voter an opportunity of enforcing his individual opinion of what public policy should be—except in regard to the broadest general issues—but an opportunity to declare which of two or of several men he wishes to make into a "guardian of the public weal."

The question of whether an elected legislator should, under a representative system, vote according to his own judgment or according to the wishes

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of those who elect him has attracted much more attention in Europe than it has in the United States. In 1832, during the course of the debate in the House of Commons on the Reform Bill, Sir Robert Inglis said: "This house is not a collection of deputies, as the States-General of Holland and as the assemblies in some other countries are. We are not sent here day by day to represent the opinions of our constituents. Their local rights, their municipal privileges we are bound to protect; their general interests we are bound to consult at all times; but not their will, unless it shall coincide with our own deliberate sense of right."

The above reference to the States-General of Holland has no force today. Under the present constitution of the Netherlands, the members of the two Chambers are required to "vote without instructions from or conference with those who elect them."

Sir Robert Inglis may well have had in mind at the time he spoke, Burke's famous declaration to the sheriffs of Bristol: "It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions high respect; their business unremitting attention. . . . But his unbiased opinion,

his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. . . . Your representative owes you not his industry only, but his judgment; and he betrays instead of serving you, if he sacrifices it to your opinion. . . . Parliament is not a congress of ambassadors from different and hostile interests. It is a deliberative assembly of one nation with one interest, that of the whole, where not local purposes nor local prejudices ought to guide, but the general good. . . . You chose a member, indeed, but when you have chosen him he is not a member of Bristol but he is a member of Parliament."

Lord Macaulay's views on representative government I have already quoted (p. 45). That these views have not remained in force in England, if indeed they ever exerted a general influence there, may be gathered from a very striking article published anonymously in the *National Review* for October, 1883, under the suggestive caption, "Are Parliamentary Institutions in Danger?" After pointing out that although in the old un-reformed Parliament, members had frequently obtained their seats by corrupt methods, yet, once they were inside the house, they were free to act upon their independent judgment of what the national interest demanded of them as legislators, the writer makes the important distinction that the modern practice of securing elec-

tion by making elaborate preëlection promises for the purpose of catching votes, involved a candidate in wholesale hypocrisy and dissimulation, and deprived him of all independence after he had taken his seat.

"Political corruption and the demoralization of the individual political conscience thus spread and spread, and become universal. Statesmen in high places, casting about them for majorities in Parliament, set the example; and candidates, casting about them for majorities in the constituencies, follow it. Thus gradually a sort of silent assumption is established that it is not the business of a candidate to be independent and upright, much less intractable in his opinions, but rather to be pliant and docile. Yet unless honesty be but a phantasm, and morality a phrase, a community in which politicians talk of their opinions when they mean the opinions, or the supposed opinions, of other people, must be experiencing a process of degradation. It is idle, however, to suppose that the character of the persons who constitute the House of Commons can be lowered without the House itself suffering in public estimation. It is in accordance with a well-known trait in human nature that people despise those whom they have themselves degraded; and the very constituencies that begin by insisting that their representatives shall flatter and obey them, end

by feeling for their members that contempt which tyrants invariably reserve for sycophants."

In discussing this matter, as it applies to American politics, I have assumed that the legislator "represents" those who elected him. If, however, we are disposed to consider that he "represents" in fact some other body—his party, or the machine through which his party operates, or the capitalists, or the labor unions, or the prohibitionists, or the liquor interests—the situation is not improved by the new assumption. If a man goes to a legislature to do what he is told, it makes little difference whom he obeys; he is no longer a representative, but a delegate, and the system ceases to be one of Representative Republicanism.

The question is not one of the corruption of legislators, as the term corruption is usually employed. A corrupt man will betray his responsibility whether he be a representative or a delegate. Let us put the matter at its best, and suppose that every one who approaches a legislator with a specific demand that he vote for or against a measure is moved by a sincere conviction that he is thereby serving the best interest of the public, the demand is, none the less, inconsistent with the pure spirit of Representative Government.

This is not, of course, the form which pressure upon a legislator usually assumes. It is more often

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applied through the agency of the "lobby," the propaganda, or the massed attack by letter or telegram; and what lies behind it is not a promise of reward if the legislator yields but of revenge if he remains obdurate. The extent to which legislators have been openly threatened with reprisal by the organizations supporting woman's suffrage, and by the Anti-Saloon League, to select two recent examples, and the docility with which popular opinion has accepted Organized Threat as a sort of fifth estate in Government show how far we have traveled on the road toward Direct Democracy.

So far as the authority of the voter is exercised in any manner and in any degree over the man he has elected—save in the single manner and in the single degree of voting against him and of inducing others to vote against him when he seeks reelection, just so far is the principle of representation abrogated. The periodical election is, under the Constitution of the United States, the only legitimate occasion and the only legitimate method of referring the conduct of public affairs directly to the voter. This power is, and was intended to be, a checking power, not a power of initiation; and as a checking power it was not one to be held perpetually over the head of a legislator in the form of a referendum on petition, but one to be exercised at stated intervals, when the voter, weighing the conduct of a

legislator, not with reference to his vote on a single measure but in regard to his general record, decides to renew the lease of his confidence or to terminate it.

The gradual disappearance of Representative Government in the United States has not been due to the one cause of a tacit conversion of representatives into delegates; two other influences have been at work, one centered in the Initiative, the Referendum, and the Recall, the other in Party Politics. The former are now legally grafted onto the stem of Republicanism, through Constitutional Amendments in State Constitutions, the latter is an extra-constitutional system which has grown to such dimensions and has developed a technique so dexterous that it has ceased to be, what it was intended to be, the servant of Government, and has become its master.

The I. R. R.—thus, the Initiative, the Referendum, and the Recall, for sake of brevity—are alike, though in varying degrees, subversive of the principle of representation; and each can justify itself only by employing the very arguments by which alone Direct Democracy can be defended, and by denying the force of every argument advanced in favor of Representative Republicanism.

I am not concerned here in any way with the question of whether we can get better Government under the I. R. R. than we get at present, or a Government

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more responsive to the popular will, or a more honest Government, or a more stable Government; what I wish to lay stress upon is that whatever other kind of Government you can get out of the I. R. R. you cannot possibly get Representative Republican Government, because they are based upon conceptions of politics which are not merely different from each other but the exact opposites of each other.

The I. R. R. rest fundamentally upon two ideas, one that the body of voters is more capable than any specially selected individuals of understanding questions of public policy, the other that the duty of Government is to put into effect the *will* of the voters. Representative Government, on the other hand, rests fundamentally upon ideas antipodal to these, namely that the body of voters cannot possess either the special knowledge or the special kind of intelligence required for the wise determination of public policy, that this task should, therefore, be performed by a small number of persons, chosen by the voters for their special fitness for that purpose, and that the duty of Government is to put in effect the deliberate *judgment* of these selected individuals.

A great deal of support has been given to the I. R. R. because of the deep and widespread distrust of the kind of legislator produced by the present system; but those who turn for relief to the I. R. R.

on this account fail to distinguish between the kind of legislator which is produced by the representative system and the kind which is produced by its debauchment.

Some plausibility attaches to the claim that the I. R. R. are only putting into practice what the advocates of the representative system uphold in theory, since the latter constantly employ the phrase "the will of the people" to define the proper inspiration of Government. About this two things may be said; one that this phrase is used frequently by politicians and rarely by statesmen, the other that if any one employs it in any other sense than that the "will of the people" begins and ends, so far as its direct function in politics is concerned, with the choice of representatives, his place is not with the Constitutional Republicans but with the supporters of the Initiative, the Referendum, and the Recall.

There is, in fact, no question connected with Government which is in more urgent need of settlement than this: Is the legislative function of Government intended to give effect to the *will* of the people, or to the *judgment* of the people's representatives?

The whole problem of political agency centers around this issue; and it is one which cannot be left much longer where it now is, in the field of individual inference, without producing the most serious consequences. If the former interpretation is defi-

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nately adopted, we should frankly recognize that what we want is Direct Democracy, and we should take the necessary steps to give that plan a full Constitutional status; if the latter interpretation is accepted we should at once set about the task of re-establishing and of placing on an unshakable foundation the plan of Representative Republicanism. At the present time we have neither one plan nor the other, but a plan which deprives us of whatever good may be found in each.

Direct Democracy has, from the standpoint of the people, one great advantage; it is actually the people's Government. It never has produced, and it never can produce, "good" Government for a large society. The amount of sentiment which exists in the world in favor of "good" Government is, however, absurdly exaggerated by those to whom it seems a most desirable object. No one who has made an extended study of comparative Government is blind to the fact that most people in the world prefer the worst kind of bad Government, if it is self-government, to the best kind of good Government, if it is imposed upon them from outside.

This is but one phase of a general condition, namely that there is nothing out of which people get more satisfaction than they do out of giving expression to their *will*, that submission to authority, as such, however beneficent the results may be, is re-

pugnant to one of the most profound of human emotions, the love of liberty. All attempts to interpret liberty in terms of reason are wholly futile so far as the mass of people is concerned. Liberty, to the bulk of mankind * means only one thing, the power to do what you want to. Now, Direct Democracy gives, and is intended to give, to every one the opportunity of gratifying this passion in the field of politics, and it is from this element in it and not from any real conviction among the masses that it will improve Government, that all movements in favor of direct action derive their strength.

Representative Republicanism also has one outstanding advantage, namely, that, if it is faithfully practiced, it will yield as great an amount of good Government as any people will endure.

The practice into which we have now fallen, which may be described as one of trying to reconcile two irreconcilable elements—the *will* of the many and the *judgment* of the few—gives us neither the unrestricted freedom we would secure under one system nor the efficient administration of public af-

* I say "the bulk of mankind," because I am addressing my general argument to conditions in countries inhabited chiefly by white people. The whole of this paragraph is subject to the qualification that in the Hindu world, in most of the Buddhist world, and among non-Mohammedan Africans, the desire to gratify the will plays a much less important part than it does with us.

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fairs which we would secure under the other. It is this conflict between two opposing principles in Government which divides the sincere advocates of better Government into two camps, one believing that more, the other that less power in the hands of the people is the true path of betterment.

The existence of a real dividing line of opinion on this question is proved by the remedies for our present plight which are found on either side of it. Those who believe that the salvation of the country lies in "making the sovereignty of the people real instead of nominal and fictitious" * support the long ballot, nomination through primaries, the Initiative, the Referendum, and the Recall; those who wish to confine the direct political action of the people within a narrower field support the short ballot, the nominating convention, the commission form of city Government, and the extension of civil-service tenure for officials.

I turn now to the influence exerted by the Party System on the representative principle in Government. It may be said of the Party System, what has been said of Representative Republicanism, that what we now observe its condition to be is the consequence of its debauchment and not of its faithful application.

The organization of the voters on the basis of

* Theodore Roosevelt in the *Hibbert Journal*, Vol. XII, 1913-14.

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Party is not only consistent with Representative Government, it is even an essential part of it. Like every other political device, however, it is liable to abuse by those who control it; and whether its power is exerted for good or for evil in Government depends not upon its formal elements but upon the human equation.

In the opinion of many competent judges it is wholly impracticable to conduct a modern Government of the "popular" type unless there are at least two well-organized political parties in the State. This view rests upon a very practical consideration. The number of matters which arise in the business of Government is very great. They range all the way from broad issues, such as protection or free-trade, open or restricted immigration, regulated or free industry, private or public ownership of public utilities, to highly specialized questions such as those having to do with the regulation of banking and insurance, the law of incorporation, revenue legislation, pure food laws, and so on.

It is the task of legislators to deal with these matters, and it is the task of the voters to elect the legislators. But it is only with reference to a very small proportion of all legislation that the voter has a definite opinion, and upon a still smaller proportion any reasoned judgment. If, then, the voter—as a voter, and not as a citizen having some per-

sonal advantage at heart—is to be drawn from his private affairs in order to play his part in public affairs, his interest must be aroused, his energy stimulated, his combative instinct brought into play. To do this is the legitimate concern of Party. When there is before the public a major issue, or several major issues, on which opinion is divided, the work of the Party organization presents no great difficulties to those who have mastered the technique of political management; and there is nothing blameworthy in the open activities of an orator or pamphleteer who seeks to rally the farmers around the standard of “a tariff for revenue only,” or the mechanics around that of “protection for our manufacturing industries.” If the work of Party organizations was confined to consolidating the voters into two groups on opposite sides of broad questions of policy it would be performing a useful function and one which all but the captious would recognize to be both useful and innocent.

This is, substantially, the picture of the Party System which its most enthusiastic admirers paint for us; but its colors are not copied from nature, they are those which appear in the mirror of King Ryence, the mirror which reflects objects not as they are but as the gazer wishes to see them.

If there are great issues on which parties can be clearly divided, well and good; but if not, then the

parties must create issues and make them appear great, for the instinct of self-preservation is as strong in parties as it is in individuals. Since it is upon political dissension that parties exist they are under constant temptation to concentrate their efforts upon controversial subjects to the exclusion of other subjects, of great interest to the public welfare, which lack any element around which controversy can be easily excited. Thus, under the Party System, not only is the area of possible agreement neglected by the politicians and that of certain disagreement assiduously exploited, but every effort is employed to create disagreement whenever agreement seems possible. One consequence of this is that the conflict of Party, instead of being confined to broad questions of general polity, is carried on over the whole field of legislation, and intrudes, therefore, upon that extremely wide area of Government which, properly viewed, is not in the domain of policy but in that of administration.

These characteristics of the Party System affect adversely the representative element in Government, because the legislator, who has been nominated and elected through the efforts of the Party organization, is constrained to regard the success of his Party as something coincident with the public welfare; and, holding that opinion, he can hardly avoid transferring his allegiance from the community he

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is supposed to represent to the machine which actually made him a representative.

When almost every matter of whatever nature, which comes before a legislature is treated as a party issue, the legislature is robbed of its distinctive character as a deliberative assembly, debate becomes a mere empty form, and the actual decision is reached by an extra-Constitutional body, the Party council. Legislators still flock to the capitol, the warfare of words continues unabated, the roll is called, the votes are counted; but all this motion is like that of a motor which is left to run after it has been disconnected from the transmission shaft.

In England, where Party discipline is, perhaps, even more strict than it is in the United States, and where political life is certainly more frank, a member of the House of Commons, speaking some years ago on the question of Woman's Suffrage, which had been declared, by agreement, not to be a Party question, taunted the House with its subservience to Party dictation. Probably, he said, for the first time within the Parliamentary lifetime of any one present members were called upon to give their votes in respect to a measure of first-class Constitutional and political importance free from party pressure. No wonder they felt embarrassed. It was so long since they had used them that their faculties of free judgment were atrophied. At last they might speak

the truth, and they found their powers of truthful utterance were paralyzed by long disuse.*

Mr. Herbert Croly has given a more sweeping, if a less humorous, condemnation of Party in the United States. "The whole system of popular partisan politics," he says,† "has been little more than a conspiracy to evade the restrictions of the official system and to substitute for it the unprincipled authority of a partisan organization."

Apart from the direct influence which Party pressure brings to bear upon legislators, there is to be considered the indirect influence which the Party System exerts in determining the type of the active politician. The qualities which are most esteemed in a Party politician are, for the most part, those which should be least esteemed in a legislator. In order to secure election a man must be prepared to sacrifice reason to emotion, judgment to opinion, moderation to violence, truth to plausibility, conviction to expediency, sincerity to pretense.

When these sacrifices have induced the oracle of the ballot-box to pronounce his name, the devotee has already placed two mortgages upon his independence—the first to his Party, the second to those whom his solicitations and his pledges persuaded to vote for him.

*Quoted from "The Great Society," by Graham Wallas.

†"Progressive Democracy," p. 158.

It would be ridiculous to expect that the kind of man who will pay such a price for election, will find any price too high to pay for reelection. But part of this second price must be paid in a different currency. He must now sacrifice not only what is his own to give—those things for which he is responsible to his own conscience alone—but also what others have entrusted to him—those things for which he is responsible as a “guardian of the public weal.”

That there are men of high character and of marked ability in American political life no one would be prepared to deny; that these qualities distinguish more than a small minority of American politicians few would be prepared to affirm.

This state of affairs is not due to any lack of these qualities in the American people; it is due to the fact that the degradation of the representative principle in American politics has given a survival value to attributes which are seldom found in association with high character or with marked ability.

CHAPTER VII

THE general conclusions to be drawn from the foregoing discussion are that the quality of Government depends more upon the human equation than upon the mechanical; that Government is to be estimated in terms of its function and not in terms of its form.

If Pope went too far in one direction, in his well-known lines:

"For forms of Government let fools contest--
Whate'er is best administer'd is best";

the prevailing opinion in the United States goes too far in the other. In the words of Emerson: "The law is only a memorandum. We are superstitious, and esteem the statute somewhat; so much life as it has in the character of living men, is its force."

The problem of rescuing Government from the low estate into which it has fallen, of making it serviceable to the needs of the day, of restoring it to that high place in the confidence of the people which it formerly occupied, and of giving that confidence a rational instead of a sentimental anchorage is not

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one which can be solved by a formula. Too many causes have combined, and over too long a period, in producing the present distrust of Government to allow of either a quick or a simple cure.

There is little to hope from any attempt to improve Government unless it is preceded by a clear decision in regard to three factors in the situation to which all others are subordinate. These may be conveniently presented in the form of three questions:

(1) Are we prepared to accept and to give Constitutional force to a definition of "representation" in political agency which plainly distinguishes it from "delegation"?

(2) Are we prepared to modify the elective franchise so as to base it upon a qualitative instead of upon a purely quantitative principle?

(3) Are we prepared to elevate the administrative element in Government to the status of an applied science?

REPRESENTATION. I have already placed before the reader the essential elements of the issue between representation and delegation as the prime postulate in political agency. So long as any confusion is allowed to exist as to which of these two principles is the mainspring of our political institutions, just so long will the strife continue between those who wish to turn the United States into a Direct

Democracy and those who wish to preserve it as a Republic. It is only by raising this issue, by forcing it upon public attention, by keeping it constantly in the front line of all serious political discussion that a decision can be reached. Whilst it remains open the resource is available to the Direct Democrats of destroying the representative principle piecemeal, and of confronting the country at no distant day with a *fait accompli*.

The responsibility for the present situation lies on the shoulders of the Constitutionalists. The issue of direct Government has been squarely raised by the advocates of the Initiative, the Referendum, and the Recall; and the very core of their contention is that delegation is the ark of the political covenant. It is an issue which is not squarely met by the Constitutionalists when they confine their arguments to showing that the I. R. R. will destroy the sense of responsibility in legislators, will paralyze the arm of justice, and will obfuscate the administration of public affairs. If the Constitutionalists do not believe that representation as opposed to delegation is the true test of Republicanism, or if, believing it, they do not make that issue the citadel of their position, their whole case goes by the board; and the distinction between them and the Direct Democrats is of a formal and not of a vital character.

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The Constitution of the United States established a certain type of political agency: that type cannot be both Direct Democracy and Representative Republicanism; it cannot be a mixture of these opposite types. The most important political question of the day in this country is: What type of political agency did the Constitution establish?

THE ELECTIVE FRANCHISE. It appears to be a general characteristic of the so-called Western Nations that their first instinct is to employ methods of extension and that they resort to methods of intensification only when the former have reached or have closely approached a visible limit. In other words, the quantitative sense being more primitive than the qualitative, number and quantity make the first appeal to the average mind. I need not enlarge upon the important part which the extensive principle has played in the development of empires, of agriculture, of commerce, of industry, of education. First there comes the reaching out for new areas of exploitation—for the nation more provinces, for the farmer new fields for his tillage, for the tradesman more customers, for the manufacturer larger production, for the schools and universities more students. The question of quality is always postponed until the possibilities of quantitative competition are nearing exhaustion.

Government, in common with every other cor-

porate activity of the Western Nations, has suffered from this obsession of number and quantity. It has expressed itself on the political side in the constant extension of the elective franchise, and on the administrative side in the constant extension of the area of governmental activity, of which the plethora of legislation is the characteristic symptom.

So long as any one remained outside the pale of the elective franchise the road was still open in the direction of quantitative extension; and few people could be brought even to discuss the possibility of introducing any qualitative element into the electoral system.

With the ratification of the Nineteenth Amendment the situation is entirely changed. There is nothing left on which the quantitative appetite can nourish itself; and as no human institution can stand still the elective franchise is now certain to fall, sooner or later, under the influence of a movement based upon qualitative considerations. The cry of "More Voters!" is dead in the land; and we shall soon begin to hear the cry of "Better Voters!"

It appears to be well within the range of possibility that the women voters, who at present must divide on lines already drawn on the map of politics, may make this cry their slogan. There is much to be said in favor of the view that this new body of voters may now employ their idealism and their

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reforming instincts in a concerted effort to elevate the tone of politics. If they should turn in this direction they would bring to their task the valuable experience they have gained in conducting their own fight, and they would be sustained by a nobler conviction, since it would rest not upon a conception of political rights but upon a conception of political morals.

As a necessary preliminary to any effort to improve the quality of the electorate, the position in regard to the electoral franchise should be reconsidered. It is now much easier to embark upon such an undertaking than it was before the Nineteenth Amendment was ratified. An electoral theory which can survive the shock of that Amendment has nothing left to fear.

The belief that every adult citizen has a "natural" right to vote at elections is widely entertained in the United States. It is derived, by association of ideas, from the "unalienable rights" of the Declaration of Independence. There is no warrant whatever for it. The right to vote is specifically conferred upon citizens by the several States of the Union. Provided the States do not set up a qualification resting upon race, color, or previous condition of servitude—which would violate the Fifteenth Amendment—they can, so far as any legal restraint goes, limit the right to vote by any qualification they

may wish to impose. "Manhood suffrage in this country," says Dr. Hannis Taylor in his *Origin and Growth of the American Constitution*, "rests upon no guarantee that the States may not at any time set aside."

The question of who should be allowed to vote is simply one of expediency. The only people who have anything to gain by spreading abroad the idea that a vote is something which naturally belongs to a man are the professional politicians. The larger the proportion of ignorant voters, the easier is the business of controlling the electorate. The argument that to exclude the more ignorant citizens from the voting privilege undermines the stability of the State, since if that class is denied the political weapon it will seize the weapon of violence, will not bear a moment's scrutiny. It is precisely this class which is first exploited, for his own purposes, by the politician, and beyond that point, for his own purposes, by the advocate of violence.

I employ the word "ignorant" because until within recent years we have not had available a scientific system of grading mental qualities; and the rough division into "the ignorant voter" and "the intelligent voter" has been very generally adopted in political discussion. The antithesis is open to two serious objections—one that it is false, because opposite quality to intelligence is not ignorance, but

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stupidity; the other that it really meant nothing, because even if it were amended so as to oppose intelligence to stupidity, or knowledge to ignorance, no dividing-line could be drawn which separated these qualities from each other at a definite point.

The great progress which has been made during the past decade in devising tests for mental capacity enables us to form a very definite estimate of the stage of mental development which any person has reached. We know that the average adult never progresses beyond the mental status of a youth of sixteen. If a hundred thousand persons are graded on a system of mental tests, and the results are plotted, we get a symmetrical curve, almost touching a base-line at each end, and having its highest point over the center of the line. A vertical line dropped from the high point to the base-line shows the number of individuals in the mean grade; and lines dropped to the right and left of this center-line—which will, of course, be shorter and shorter as they approach the ends of the base-line—will show the number of individuals falling into each grade between idiocy and high intelligence.

If the elective franchise is to be qualified the task may very well be begun by giving practical effect to a principle to which lip-service has been yielded for many years, namely, that the success of popular Government depends upon education. If we really

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believe that to be true we are under moral bonds to establish a direct connection between the educational system and the political system.

If education were available to every child in the United States, no one who grows up in this country could be taken to be excluded from the franchise if its grant were made dependent upon the applicant having passed, let us say, the grammar-school grade. The case of adults who immigrated and who, at that time, had not reached a grammar-school standard of education, and the case of those born in this country who, from whatever cause, had not reached that standard, could be met by the institution of examinations open to any one who wished to pass the educational test for a voter.

A qualification of this kind would work no hardship on any one. If a citizen esteems his vote so lightly that he will not submit himself to the moderate exertion of meeting such a requirement, his possession of the right to vote could in no way contribute to the welfare of the State. To those who wished to rise from a condition of passive to one of active citizenship the existence of the qualification would be a strong incentive to self-improvement.

If such a qualification were attached to the voting privilege a new and forceful reason would be added to those which already exist for undertaking a thor-

ough reform of the educational system. Its present condition, as it is portrayed by competent judges, is extremely unsatisfactory. The outstanding features of the situation are dealt with in two recent articles which, if the reader has not seen them, I earnestly commend to his attention. Writing in the *Yale Review* for July, 1920, Professor E. A. Cross, Dean of the State Teachers' College of Colorado, points out that there are approximately 650,000 teachers in the United States, of whom about 130,000 are male and 520,000 female; that the average preparation for teaching is only four years beyond the eighth school grade, that the average length of service in teaching is, for men, seven years, and, for women, not more than four; and that, in such circumstances, "to put the whole truth about the profession of teaching in America into a single gloomy sentence—there is no such thing."

The author states that of the 650,000 teaching positions in the public schools, thirty-nine thousand are vacant, and that sixty-five thousand are held by teachers who have not even qualified themselves according to the low standard which now prevails. One-sixth of the children of the country are either out of school or are in an apology for a school; one-sixteenth of the schools are closed for the lack of teachers; and of those which are open an increas-

ing number is being taught by boys and girls under twenty-one years of age.

Professor Cross compresses into a short paragraph the contrast between teaching and the other professions. "The usual preparation," he says, "for law, medicine, architecture and engineering is eight years above the eighth grade. The men and women who educate themselves for these professions expect to work for a lifetime in the profession for which they fit themselves. The public does not trust its health, its disputes, its building, its engineering projects, to boys and girls of eighteen; but it does entrust to such untrained youths what is vastly more important: the training of the next generation of the citizens of the republic. And for assuming this tremendously heavy responsibility, it pays them the wages of grocers' boys and kitchen mechanics."

In *The North American Review* for September, 1920, Professor Vernon Kellogg writes on "The Fate of the Nation." This depends, of course, upon education, among other things; and of the state of education he gives a most discouraging account. He attributes it to "the scandalous and impossible condition of slave labor" to which the teacher is subjected; and in support of this characterization he presents some highly significant figures. On the basis of returns from the public schools of 392 cities,

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Professor Kellogg states that in the school year 1918-19, ten per cent of the teachers were paid less than \$600 a year, forty per cent less than \$800, seventy-two per cent less than \$1,000, and ninety-nine and a half per cent less than \$1,500.

It is not surprising that the Bureau of Education should announce 110,000 vacancies in the teaching staff of the elementary schools, for the new school-year, with only 30,000 trained teachers to fill them. Professor Kellogg quotes from *School Life*, a fortnightly publication issued by the Bureau of Education, some interesting instances of teachers in schools and universities who have recently turned to more lucrative employments. The list includes a professor of modern languages at \$1,200 a year, who is now a trade commissioner at \$4,500; a professor of English at \$1,500 who is now an advertising manager at \$5,000, and a college president at \$3,000 who is now engaged in commercial work at \$7,500.

Until teachers are offered salaries in some reasonable degree commensurate with the importance we are unanimous in attributing to their function—which, indeed, cannot be overstated—we must expect the rising generation to bear the impress of that inferiority which stamps the average teacher, and of which the present salary scale is the index.

With a higher type of character and intelligence

in the teaching profession, with a more widely-diffused knowledge of the science of teaching, as differentiated from the mere business of imparting information to children, public opinion would not be slow to respond to a new stimulus toward vitalizing the educational system. At present the schools are in the anomalous position of being almost completely cut off from any useful connection with either the political or the social life of the nation. They do not supply an adequate foundation for scholarship, or for a technical career, or for manners and morals, or for an understanding of the social reciprocal of rights and duties, or for an intelligent participation in politics.

This state of affairs does not furnish an argument against an educational qualification for the voter, for a low standard is better than none; it would, however, if an educational qualification were established, furnish a most powerful argument for improving the school system.

An indiscriminate elective franchise, by admitting every one into the body of active citizenship, poisons the well of political agency. A few drops of poison are not isolated in the cup: they taint the whole draught; and it is thus in politics. The vote is taken away from a felon, even though his crime has touched but a single individual; it is surely not a revolutionary proposal that the vote should be with-

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held from those whose ignorance makes their use of it a crime against society itself.

The alarming rate at which public expenditures have grown during the past twenty years, the increasing ratio in which the public revenue is being raised from direct taxation, the absence of any Constitutional limit—save that of confiscation—to the tax-rate which may be applied to incomes, cannot fail to bring to the front the question of reverting to a property qualification for the voter.

It is no more than just that a very large proportion of the tax burden should be borne by those who are in affluent or, at least, in easy circumstances; indeed, when it is a matter of raising billions of dollars annually by Federal, State, County and City taxation, there is no other resource open to the tax-gatherer than the pockets of the rich and of the well-to-do. But it is less than just, and very much less than expedient, that in regard to the disposal of the vast public revenues any one should have a voice who has not made some direct contribution to the fund.

Those who pay an inheritance tax, or an income tax, or any tax assessed on property, make up the great aggregate of the responsible citizenship of the country. If a small income tax were levied in each State on all incomes over five hundred dollars there would not be left outside the ranks of direct tax-

payers a man or a woman to whose vote there was attached any value save its market price.

There is no one who does not receive something from Government, in the way of protection for his life, or of education for his children, or from the water-supply, or from meat-inspection, or from street-lighting, or what not. Those who make no direct contribution in return have small claim to a share in controlling Government. The applicant for the voting privilege would have a much clearer understanding than he now has of his connection with the State if he had to present a tax-receipt and a school-certificate.

The importance of attaching an educational and ~~a property~~ qualification to the elective franchise is not to be measured by the quality of those who are admitted, which may not be very high, but by the quality of those who are excluded, which will certainly be very low. To adapt to the conditions of to-day Macaulay's phrase about the Reform Bill of 1832: That we may admit those whom it is safe to admit, we must exclude those whom it is necessary to exclude.

GOVERNMENT AS AN APPLIED SCIENCE. Although we find in the universities professorships of Political Science, of Politics, of Political Economy, of Government, and of Civics, the idea of a Science of Government is repugnant to general opinion.

Whether this is due to the low visibility of a scientific principle in Government, as we observe Government in operation, or to a vague sense of the impossibility of bringing within the bounds of formula anything so complex as modern Government, or whether the feeling is akin to that instinctive dislike which most people exhibit towards anything which is placed beyond the reach of their will or fancy, the fact remains that it has hitherto been impossible to secure any wide acceptance of the view that a Science of Government can be formulated and its laws administered as an Art.

It is obvious that no subject of which will and opinion form part of the material to be analyzed can be treated wholly as a science, even though will and opinion can be scientifically examined in relation to their own nature, and with reference to their influence on action. It does not follow, however, that because one factor in Government is intractable the whole body of it must be turned over to speculation and conjecture. For the purposes of scientific inquiry, Government can, in fact, be divided into two clearly distinguishable elements—politics and administration. To the former belongs the task of ascertaining the decisions of the electorate, to the latter the task of putting these decisions into effect. When these two elements are considered separately it is seen that each of them is susceptible of scientific

analysis, and that the latter is also susceptible of receiving a scientific impress.

The part played in Government by public will and opinion is chiefly, and should be almost entirely, confined within the domain of policy, and even in that domain their authority is, under a true interpretation of *representative* government, restricted by the *judgment* of legislators. It is, of course, impossible to foretell with certainty what impulse the public will give to policy in regard to any particular matter submitted to it; but the general laws which govern the formation of public opinion and the concentration of the public will can be determined with an accuracy quite as close as that attained through the study of any series of causes and effects in human action.

That this is recognized by practical politicians is proved by the means they employ to catch votes. The full dinner-pail and the empty dinner-pail, the big loaf and the little loaf, the large pay-envelope and the small pay-envelope, the crowds of smiling citizens filing into the factory, the sullen groups gathered around the closed gates, the picture of the farm laborers working in the fields, the picture of the same men cowering in a trench with the shells bursting over their heads—all these, and a hundred similar arguments which are presented to the public eye in newspaper cartoons, on bill-boards, on the

moving-picture film, bear witness to the acceptance of a crude theory of probability applicable to the mental and emotional reactions in politics.

Within the past twenty years a great advance has been made in applying a psychological method to the study of politics, with the result that there is becoming available in relation to politics the kind of material which has already revolutionized our understanding of education—that is to say, a record and analysis of observed reactions from which general laws can be induced. Such works as Le Bon's "Psychology of the Crowd," Tarde's "Laws of Imitation," McDougall's "Social Psychology," and Graham Wallas's "Human Nature in Politics" and "The Great Society," indicate very clearly that the student of politics will, before very long, be as near an exact knowledge of cause and effect as the student of advertising now has in his special field.

To determine, within a moderate range of probable error, what share is taken respectively by impulse, habit, instinct, reason, and emotion in the determination of political action is simply a matter of thorough investigation by competent specialists in biology, psychology, sociology, and politics, working together so that their observations and conclusions may be synthesized into a single system.

In the introduction to his "Human Nature in Politics," Graham Wallas—to whom all students of

Government owe a debt of gratitude—refers to the fact that nearly all students of politics analyze institutions and avoid the analysis of man, and that this has a harmful effect both on the science and the conduct of politics. Elsewhere in the same volume (Synopsis of Contents, p. xiv) he states in four lines the conception on which politics will have to be founded if the state of political agency is to be improved: "An election (like a jury trial)," he says, "will be, and is already beginning to be, looked upon rather as a process by which right decisions are formed under right conditions, than as a mechanical expedient by which decisions already formed are ascertained."

This enlightened view of the function which the voter should perform in Representative Government raises a question of the first magnitude, namely, whether the State can continue to give free rein to all the agencies by which misinformation is diffused among the people and by which popular passion is inflamed and exploited in the interest of particular individuals or groups. At the present time it is open to any one who has money at his command to flood the country with misstatements and with arguments based upon them, in regard to every question with which Government is concerned; and it is nobody's business to interfere in the interests of truth. The question is not one of restricting the expression of

opinion but of restricting the output of falsehood and misrepresentation.

When this matter is discussed the point is usually made that since there is rivalry between one newspaper and another, important misstatements are always detected and exposed, if on no higher ground than that such exposures are good business. It is a vicious argument. Few people occupy themselves in checking the statements of one newspaper by comparing them with those of another; and even if this were a common practice the reader would seldom be in a position to determine whether the lie was in the original statement or in the refutation. Another argument, even more vicious, is that people do not believe all they read, that they make allowances for exaggeration and falsehood, and apply their common sense to the news of the day. This is all very well when the news is about the discovery of a petrified man twelve feet long, or about a plan to get the nation's supply of mechanical power from the ebb and flow of the tides. But a man's common sense is very little use to him when the point at issue is whether or not it is true that a public service corporation has been falsifying its books over a long period, or whether a law has been passed through corruption and blackmail.

The law takes a very serious view of a published falsehood which injures an individual; but very little

consideration has thus far been given to that kind of falsehood which, by poisoning the well of truth, defiles the source of Government. Enough has been said to show that even in regard to that element in Government which seems to be least amenable to scientific analysis a great opportunity is open to increase our knowledge, and thus to pave the way for an improved method of adjusting the elective principle to the various influences by which it is affected.

Will and opinion in politics have, up to this point, been discussed with reference to their origins; it remains to say something of their operation. Here we approach the frontier which separates politics from administration, the line where discussion must center around the question of what part of Government should be directly under the dominion of political agency and what part should be assigned to administrative technique.

It does not require more than a moment's reflection to realize that there is a difference between the kind of agency suitable to determine whether the United States should adopt a big-navy policy, and the kind suitable to determine whether the capital ships of the navy should be equipped with superimposed turrets. Where the difference is as clearly marked as it is in the above instance, no practical difficulty arises in regard to the separation of func-

tion—one question is decided by Congress, the other by naval experts.

But, measured by the vast extent of Government activity, the area which has been delimited in respect of political and of administrative agency is very small. Except in matters of a highly technical nature, such as the work of the Bureau of Standards or of the Coast and Geodetic Survey, it may be said that the whole of Government is regarded as an open area for the application of political opinion.

Now the question of what should and what should not be submitted to public opinion can be treated scientifically to some extent, because when the nature of any subject is examined it can be determined whether popular opinion can be brought to bear upon it. Matters in which the issue is clearly one of general policy—such as a protective tariff, universal military training, or Chinese exclusion—and in regard to which a “yes or no” answer can be given, may draw out what is really an expression of popular opinion. If the matter is one involving a knowledge of detail—such as the granting of a particular telephone franchise or the enactment of a particular anti-trust law, where the difference between expediency and in expediency may hinge upon a single phrase, or even upon a single word—what you get by an appeal to public opinion is not opinion at all: it is only an expression of will.

Public opinion upon questions falling within the first class may, indeed, be formed by a process which has little to do with knowledge or judgment; but it is, nevertheless, opinion; it is something of which Government can and should take cognizance in deciding upon its course of action.

The problem which arises when questions of the second class come up for settlement carries the present discussion from the political element in Government to the administrative. If these two elements are compared it is seen that the differences between them consists in this: that it is the function of the one to determine what is to be done, and of the other to determine how it should be done, and to do it.

When this distinction is kept in mind, the class of questions which call for a close familiarity with a large mass of detail, often of a highly technical character, and for the exercise of trained judgment, presents no peculiar difficulties. They can all be split up into their component parts of policy and administration, and when thus split up the former can be submitted to public opinion.

To illustrate this point we may take the case of an anti-monopoly law. Let us suppose that a party platform includes a plank in favor of making trade monopolies illegal and of punishing violations of the law by imprisonment without the option of a fine.

This is obviously a question on which a real expression of public opinion could be elicited. Once that opinion has been expressed by the election of the party which made the declaration, the proposed anti-monopoly law is no longer a question of policy but of administration. When Congress proceeds to frame the law, it acts, indeed, in conformity with public opinion; but what Congress has to consider when the measure is under discussion is not whether its provisions conform to what public "opinion" thinks they should be, but whether they will effect what public opinion has declared should be effected.

The line is thus indicated at which policy ends and administration begins.

It is at this line that an applied science of Government can be brought into operation.

In popular government everything up to the time when a distinct aim has been adopted is subject to a great variety of influences, rational and unrational; but as soon as the aim has been adopted, and what remains to be done is to carry it out, the question becomes one of method and enters a stage where scientific principles can be applied to it. Briefly, we cannot have a science of aims in Government, because popular will and popular opinion upon which the acceptance of aim largely depends are not in their nature scientific. But we can have an empirical

science of administration in Government, just as we already have it in industry, because there is a record of administration experiment from which it can be derived.

A science of administration cannot be put into effective operation over night; it cannot be put into operation at all until there is a demand for it among those in whose service it is to be employed. If the public should ever come to realize the terrible price it has paid for indulging its passion for amateurism in the administration of Government, such a demand would arise and would soon become insistent.

The present conjuncture is one in which the prospect is favorable for enlightenment in this direction. The discontent with Government is serious and widespread; it is not confined to any section of the country or to any class of the population. People are beginning to examine Socialism from a new standpoint. They are becoming less concerned over what Socialism might do in the United States and more concerned about the causes which have produced it in the United States. These searchings will lead every intelligent inquirer, sooner or later, to the conviction that the strength of Socialism is drawn chiefly from the weakness of the system it seeks to supplant; that it is not a mere phenomenon

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of perversity; that its most successful recruiting agent is the present delinquency of Democratic Government.

It is in such circumstances that the cause of reform finds its best opportunity. The growing unrest in the country presents to the Administration which will assume the responsibility of Government on the fourth of March next the widest field for the exercise of sane statesmanship which has been open since the end of the Civil War. The temptation will be strong to adopt a strategy of palliation; habit and the memory of past success will combine to make such a course appear more attractive than the arduous procedure of regeneration and amendment. If politicians are swayed by such considerations, statesmen will perceive that the times call for a more courageous policy, that the crisis is one which palliatives may prolong but which they cannot determine.

The position, if it is faced with frankness, even at this late day, is one which can be prevented from passing out of the phase in which Democratic methods are under suspicion into that in which the Democratic principle itself will be the center of attack. If Representative Government is not to be reëstablished, if the elective franchise is to be left as it is, if administrative technique is to remain at its present level, it is difficult to see how any substantial im-

provement can be effected in the political and social conditions of the country through the employment of Constitutional means. But if substantial improvement does not take place, nothing is more certain than this: that what the people will be called upon to undertake will not be a serious effort to reform their Government, but a desperate fight to preserve it.

THE END

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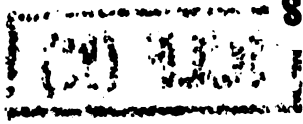
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